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Attorneys for Petitioner Michael A. Morales

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Michael Angelo Morales,	}	<b>DEATH PENALTY CASE</b>
Petitioner,		Case No. _____
v.		Petition for Writ of Habeas Corpus by A Prisoner in State Custody
Steven Ornoski, Warden, San Quentin San Quentin State Prison,		<b>EXECUTION IMMINENT: February 21, 2006 at 12:01 a.m.</b>
Respondent	}	

**EXHIBITS IN SUPPORT OF  
PETITION FOR WRIT OF HABEAS CORPUS  
BY A PRISONER IN STATE CUSTODY**

**VOLUME I**

**Index of Exhibits in Support of  
Petition for Writ of Habeas Corpus by A Prisoner in State Custody**

**Volume I**

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**Exhibit 1**

**Letter from Judge McGrath – January 25, 2006**



CHAMBERS OF  
**The Superior Court**

CHARLES R. McGRATH, JUDGE

HALL OF JUSTICE  
P.O. Box 6489  
VENTURA, CA 93006-8489  
(805) 854-2238

January 25, 2006

Governor Arnold Schwarzenegger  
Office of the Governor  
Sacramento, CA 95814

Re: *Morales v. Brown*  
M & S file no. 60430

Dear Governor Schwarzenegger:

I was appointed to the bench in Ventura County by then Governor Ronald Reagan in 1974. In 1983, I performed the most solemn duty a judge is asked to undertake: As the trial judge in the capital murder prosecution against Michael Morales (I also was the trial judge for the subsequent capital prosecution against his co-defendant and cousin Ricky Ortega), I independently reviewed the evidence, determined that it supported the jury's penalty phase verdict, and on that basis sentenced Mr. Morales to be executed in San Quentin Prison. I now write to recommend that you grant Mr. Morales clemency, so that he is sentenced to life in prison without the possibility of parole.

My decision to uphold the jury's death verdict was based on the apparent strength of the prosecution evidence against Mr. Morales, the cornerstone of which was the testimony of Bruce Samuelson, a jailhouse informant. I found Mr. Samuelson to be credible and believable. I said so on the record.

Mr. Samuelson testified that he obtained a confession from Mr. Morales admitting to murder and rape. The Supreme Court has long recognized that a confession is probably the most probative and damaging evidence that can be admitted against a criminal defendant. *See, e.g., Arizona v Fulminante*, 499 U.S. 279, 296 (1991). In this case, Mr. Samuelson's testimony describing the confession was the *only* evidence to support the single special circumstance -- lying in wait -- that made Mr. Morales eligible for the death penalty, as well as the rape conviction.

Mr. Samuelson was also the source of the prosecution's substantial aggravating evidence. Mr. Samuelson testified that almost two years after Mr. Morales was arrested,

Governor Arnold Schwarzenegger  
January 25, 2006  
Page Two

he made obscene, derogatory references to the victim, Terri Winchell, and callously boasted of the assault upon her. Such testimony effectively demonstrated a heartless lack of remorse by Mr. Morales, and completely undermined his attorney's presentation of penalty phase testimony that Mr. Morales immediately felt deep remorse for his involvement in the incident. Mr. Samuelson also described how Mr. Morales had solicited him to murder trial witnesses Pat Flores and Raquel Cardenas, thus demonstrating that Mr. Morales presented a serious and continuing danger to society even while confined in prison. I believe that Mr. Samuelson's testimony was instrumental in convincing the jury, as it did me, that death was the only appropriate punishment in this case.

New information has emerged to show the evidence upon which I relied in sentencing Mr. Morales to death – Mr. Samuelson's testimony – is false. Significantly, the revelations were brought to light by the California Attorney General's subsequent investigation into Mr. Samuelson's account of the circumstances surrounding Mr. Morales' confession. When the Attorney General asked Mr. Samuelson to explain how he induced Mr. Morales to speak freely between jail cells in a crowded cellblock widely known to hold informants, Mr. Samuelson answered that he conversed with Mr. Morales in Spanish. In response to Mr. Samuelson's claim, Mr. Morales' attorneys have verified under oath from numerous sources that, apparently unbeknownst to Mr. Samuelson, Mr. Morales does not speak Spanish. The Attorney General has never contested any of these facts. (*See, e.g.*, The Attorney General's most recent filing, in response to Mr. Morales' petition for certiorari to the United States Supreme Court.)


Mr. Samuelson's testimony was indispensable to proving the lying-in-wait special circumstance finding upon which Mr. Morales' eligibility for a death sentence now rests, and proved critical in tipping the balance of aggravating and mitigating circumstances in favor of a death sentence. The jury was explicitly instructed to consider Mr. Samuelson's testimony in choosing the appropriate sentence and that Mr. Samuelson's testimony alone could be used to outweigh all mitigating evidence and compel a death sentence.

I am not aware of any state or federal court having conducted an evidentiary inquiry into the truthfulness of Mr. Samuelson's testimony. I know that I have not been asked to testify regarding the significance of the information that has been disclosed since I was led to believe that Mr. Morales actually made the incriminating statements attributed to him by Mr. Samuelson. If I had been asked to do so, I could and would have testified truthfully that impeachment of Mr. Samuelson's testimony with evidence of his untruthfulness in describing the circumstances of the purported confession would have rendered his testimony, and the prosecution's case, insufficient to support the death sentence. Accordingly, I would have set the death sentence aside.

Governor Arnold Schwarzenegger  
January 25, 2006  
Page Three

The statutory requirement that trial judges review death verdicts is intended to enhance the fairness, uniformity and reliability of penalty determinations in capital cases. The conscientious discharge of this weighty obligation protects the integrity of the judicial system, public confidence in the administration of the state's power to impose death, and the rights of defendants to individualized sentencing decisions. If, in the course of performing my judicial duty, I had been permitted to consider evidence of Mr. Samuelson's falsehoods that was belatedly discovered by the Attorney General and Mr. Morales' attorneys, I would not have let the death sentence stand; and the awesome decision whether to spare his life would not be before you at this time. Under such circumstances, executing Mr. Morales would frustrate the design of our sentencing laws, and would constitute a grievous and freakish injustice. I respectfully recommend that you grant clemency to Mr. Morales.

Respectfully yours,

  
CHARLES R. McGRATH  
Retired Judge of the Superior Court

CRM:sj  
cc:  
William W. Lockyer, Esq.  
Attorney General

David A. Senior, Esq.

## **Exhibit 2**

### **District Attorney's Position Sheet on Bruce Samuelson**



W. J. Samuelson on Probation  
Burglary, Felony # 323,0

VICKIE WETHERELL  
PROBATION OFFICER  
SAN JOAQUIN COUNTY  
COURTHOUSE, 222 E. WEBER  
STOCKTON, CA. 95202

JUVENILE  
6TH FLOOR - ROOM 607  
209-944-2841

ADULT  
5TH FLOOR - ROOM 501  
209-944-2840  
444-5571

# TRICT ATTORNEY'S POSITION SHEET

DEFENSE ATTY

Recommend local - A is a key witness  
in prob Michael Morales 187 w/ spouse in  
SO B L re 1/22/83

II. INITIAL SUPERIOR COURT EVALUATION: DATE INTO FILED: 12-24-82  
Y2-4-83

V. PRE-TRIAL CONFERENCE: DATE JUDGE Swine D.A. 889 DEF Shin

D.A. POSITION 10851 + 470 - local + National - AM  
to the Testimony against Michael Morales

DEFENSE POSITION

COURT'S POSITION Local

SUBSEQUENT NEGOTIATIONS OR CHANGE IN POSITION

PLEA: DATE 4-2-85 D.A. Willatt

INDICATED JUDGMENT V.O.P. Recommend 30 days comm to  
10 days he can pay rest in 2 mo b/c  
boss will co-sign note.

D.A. CONCURRED: YES NO COMMENT



**Exhibit 3**

**Declaration of John C. Schick, Esq.**

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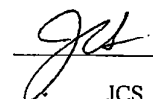
1 Garber had cut with Mr. Samuelson, and Mr. Garber had to push very hard with the judge to gain  
2 approval for the deal. He was not pulling any punches or holding back how strongly he felt that he  
3 had to have the deal. Mr. Garber was literally begging for the deal. He told the judge he had to have  
4 the deal he negotiated because he needed Mr. Samuelson's testimony to get a capital conviction  
5 against Mr. Morales and Samuelson would only testify with a deal. I will never forget Judge Saiers'  
6 very colorful comment after he finally approved the deal. He told Mr. Garber that "the next time" he  
7 would not care if Mr. Samuelson "turned in Attila the Hun," he would not agree to give Mr.  
8 Samuelson any more deals.

9 6. When Judge Saiers finally approved the deal, there was a clear understanding that Mr.  
10 Samuelson's sentence would be limited to a year in the County Jail, rather than exposing him to any  
11 time in state prison. After the deal was approved, Mr. Samuelson testified at Mr. Morales's trial.

12 7. Neither Mr. Samuelson nor Mr. Garber nor anyone else involved in the Morales trial  
13 requested that I be present for Mr. Samuelson's testimony. Lawyers often attend the court  
14 proceeding in which their client is testifying should any issues arise concerning the client's  
15 constitutional rights. Because Mr. Garber was essentially acting as Mr. Samuelson's attorney, I did  
16 not attend Mr. Morales's trial or observe Mr. Samuelson during his testimony.

17 8. When Mr. Samuelson was arrested and housed in the county jail in late 1982, the jail  
18 was extremely crowded. The cells were so overcrowded that when inmates were first placed into  
19 custody they had to sleep on the floor. They competed first for mattresses and floor-space, and then  
20 for bunks. An inmate's living conditions could gradually improve as he gained "seniority" the longer  
21 he was confined. There was not enough space to allow for single-celling of prisoners, and such  
22 accommodations would not have been routine for a pre-trial detainee charged with non-violent  
23 property offenses.

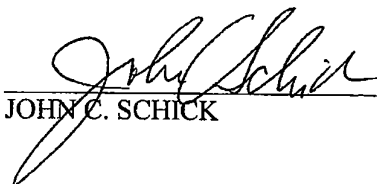
24 9. I have recently been provided with and reviewed an investigation report by Lee  
25 Copeland, a former San Joaquin District Attorney investigator, which indicates that on February 7,  
26 1983, Mr. Garber requested that one of his investigators administer a polygraph test to Mr.


  
JCS

1 Samuelson. According to the report, on February 8, 1983, at 9:30 a.m., Mr. Samuelson was brought  
2 to the District Attorney's Office where Copeland administered a polygraph. We appeared in Superior  
3 Court on Mr. Samuelson's two cases on that same date. I was not informed about the polygraph  
4 examination of my client and was not present for it. My knowledge of it comes from the report I  
5 reviewed.

6 10. On Friday, January 27, 2006, I received a telephone message from a reporter for CBS  
7 News about the Morales case. The return telephone number was cut off and I could not return the  
8 call. The following day, an article appeared in the local newspaper about Mr. Morales's clemency  
9 petition. The phone call and article made me think back on and recall my representation of Bruce  
10 Samuelson, the details of which are set forth above. On Monday, January 30, 2006, I contacted a  
11 colleague at the Habeas Corpus Resource Center and related these details in summary fashion. The  
12 following day, a representative for Mr. Morales's current counsel, David Senior, got in contact with  
13 me and we met a couple of days later.

14 The foregoing is true and correct and executed under penalty of perjury under the laws of the  
15 United States and the State of California on February 5, 2006.

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19 JOHN C. SCHICK  
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JCS

**Exhibit 4**

**Declaration of Judge K. Peter Sayers**

**DECLARATION OF K. PETER SAIERS**

1. I was appointed as a San Joaquin County Superior Court Judge in March 1981, and served on the bench there until my retirement on March 31, 2005. I currently am an assigned judge on that bench.

2. I have no recollection at all about the negotiations of the sentence for Bruce Samuelson in 1982 or 1983.

3. I have known John Schick for over 30 years, and he practiced before me as a criminal defense attorney when I was on the criminal bench for 15 years. I have never had to worry about John's word. He was always straight forward and honest.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on February 14, 2006 in San Joaquin County, California.

  
\_\_\_\_\_  
HON. K. PETER SAIERS

**Exhibit 5**

**Letter from Bruce Samuelson Handed to Prosecutor Bernard  
Garber on December 6, 1982**

Mr. Garber:

In exchange for my testimony  
in the ~~Morales~~ <sup>Morales</sup> case, which will  
guarantee a ~~max~~ ① conviction in special  
circumstances, I feel the following is a  
fair ~~exchange~~ agreement;

- ① Immediate placement on the Witness Protection Program
- ② Release on O.R. until <sup>case</sup> goes to trial & I testify. Upon completion of my testimony all current & pending charges be dropped w/ no further prosecution.
- ③ Place to stay w/ phone for 3-4 mos.
- ④ Job placement & money to support during 3-4 mos or until I ~~get~~ start getting reg. pay from Job.
- ⑤ Car/Automobile
- ⑥ New Identification
- ⑦ Eye Exam & Glasses

In addition to testimony, I have further testimony  
in the James Mahoney case, and I believe



that I can assist you in getting  
dry sales indictments, against some of North  
Stockton's more large volume dealers.

What I have to tell you in regards to  
Morales will be quite a bit more than you  
expected.

ADULT IN CUSTODY		STOCKTON POLICE DEPARTMENT SUBSEQUENT REPORT		4 CRIME REPORT NO 81-732	
JUVENILE IN CUSTODY				5 PAGE 1 OF	
TRIAL PREPARATION REPORT		DEC 17 1982			
SECTION		7 <input type="checkbox"/> JUVENILE INVOLVED 8 <input type="checkbox"/> RECLASSIFIED		9 <input type="checkbox"/> CLEARED BY ARREST 10 <input type="checkbox"/> EXCEPTIONAL CLEARANCE 11 <input type="checkbox"/> UNFOUNDED	
* 261 PC		13 ADDRESS			
NAME Terri WINCHELL					
SUSPECT #1: NAME (FIRST, MIDDLE, LAST) Rick ORTEGA		15 RACE	16 SEX	17 AGE	18 DATE OF BIRTH
ADDRESS		25 STOCKTON NO.	26 ARREST NO.		27 CHARGE
SUSPECT #2: NAME (FIRST, MIDDLE, LAST) Michael MORALES		29 RACE	30 SEX	31 AGE	32 DATE OF BIRTH
ADDRESS		39 STOCKTON NO.	40 ARREST NO.		41 CHARGE
42 YEAR	43 MAKE	44 MODEL	45 BODY STYLE	46 COLOR/COLOR	47 LICENSE NO.
ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.)				51 VEHICLE YES <input type="checkbox"/> HOLD. NO <input type="checkbox"/>	52 VEH DISPOSITION
NARRATIVE					

On 12-6-82 Bruce Allan SAMUELSON W/M/DOB 12-17-60, contacted Deputy DA GARBER. He advised that he was in the County Jail and had some information on the Terri WINCHELL case. SAMUELSON was arrested in Kingman, Ariz. in possession of a veh. stolen from Stockton. It apparently contained a check protector and checks from a recent burglary in Stockton.

He was returned to Stockton from Kingman, Ariz. on 11-10-82 on charges of 10851 VC, 496 PC, and three (3) counts of 470 PC. He appeared in Muni Ct. for arraignment on 11-12-82, at which time he indicated to the Court that he was going to represent himself on these criminal charges. On 11-19-82 a Probation Violation Hold was placed against him at the County Jail by San Joaquin County Probation.

On 12-9-82, R/O went to San Joaquin County Jail at 1920 HRS and talked briefly with Bruce SAMUELSON. He advised that he is housed in the Control Cell area at the Jail, Cell #12. That in this same Control Cell area was housed, Michael MORALES. He advised that he and MORALES have talked, that MORALES has been asking him legal questions since he is defending himself. He advised that he and MORALES have talked and MORALES has told him about how that he (MORALES) had killed Terri WINCHELL. Stated MORALES told him about the entire incident, fact about ORTEGA picking up Terri, going to the place MORALES was staying where he picked up MORALES and then drove WINCHELL about 20 miles from Stockton, where he strangled her with a belt, hit her in the head with the hammer, then drug her into the grapevineyard, where he raped her and then stabbed her with a kitchen knife he had brought from the house.

DATE/TIME OF REPORT 12-10-82 2100	55 PROPERTY CARD NO	56 REPORTING OFFICER Sgt. Sanford	57 APPROVED BY
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ADULT IN CUSTODY

JUVENILE IN CUSTODY

TRIAL PREPARATION REPORT

STOCKTON POLICE DEPARTMENT  
SUBSEQUENT REPORT

81-732

JAN 25 1983

PAGE 1 OF

SECTION

☒ JUVENILE INVOLVED  
☐ RECLASSIFIED

☐ CLEARED BY ARREST  
☐ EXCEPTIONAL CLEARANCE

☐ UNFOUNDED

7-261 PC  
S NAME

13 ADDRESS

Terri WINCHELL

SPECT #1: NAME (FIRST, MIDDLE, LAST)

RICK ORTEGA

ADDRESS

25 STOCKTON NO

26 ARREST NO

27. CHARGE

SPECT #2: NAME (FIRST, MIDDLE, LAST)

MICHAEL MORALES

ADDRESS

29 RACE

30. SEX

31 AGE

32. DATE OF BIRTH

33. HT.

34. WT.

35 HAIR

36 EYES

37 BUILD

39. STOCKTON NO.

40. ARREST NO

41 CHARGE

42 YEAR

43 MAKE

44. MODEL

45 BODY STYLE

46 COLOR/COLOR

47. LICENSE NO

48 STATE

49 EXP DATE

ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC)

51  
VEHICLE YES ☐  
HOLD. NO ☐

52. VEH. DISPOSITION

NARRATIVE

1-5-83

D.A. COPY

Deputy DA GARBET turned over to R/O an envelope, addressed to B. GARBET. It was handed to Mr. GARBET by Bruce SAMUELSON on an appearance in Muni Ct. Copy of this letter has already been supplied to the defense by Mr. GARBET. Same booked into Ev. on PR A29474.

DATE/TIME OF REPORT  
1-5-83 1215

55 PROPERTY CARD NO  
A29474

56 REPORTING OFFICER  
Sgt. Sanford

57 APPROVED BY

**Exhibit 6**

**Declaration of Vickie Hale Wetherell**

**DECLARATION OF VICKIE HALE WETHERELL**

I, Vickie Hale Wetherell, declare as follows:

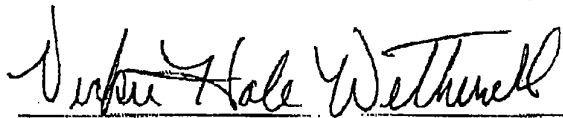
1. Attached to this declaration as Exhibit A is a true and accurate copy of a declaration

I executed on February 7, 2006. I have signed the bottom of each page of this declaration.

2. On February 5, 2006, I was contacted in my home by Kathleen Culhane, who *She presented a letter of introduction from David A. Senior dated 1-25-06 new* identified herself as an investigator working on behalf of Michael Morales. Ms. Culhane provided me with copies of a letter written by Charles McGrath to Governor Arnold Schwarzenegger dated January 25, 2006; a booking photo of Bruce Samuelson; Probation Officer's Report numbered 33960 pertaining to Bruce Samuelson, which as a matter of course included Mr. Samuelson's Juvenile Record; and Probation Officer's Supplemental Report numbered 32310, also pertaining to Bruce Samuelson. Attached to this declaration are true and accurate copies of the documents provided to me by Ms. Culhane. I have signed the bottom of the page of each of these documents.

3. Based on her interview of me, Ms. Culhane prepared a declaration and brought it to my office the following Tuesday, February 7, 2006. I read the declaration twice, made two changes, and signed the declaration in front of my co-worker, Bruce Fernandez. *in* The changes to the declaration are made in my writing and initialed by me. These changes are found in Paragraphs 1 and 10.

I declare under the penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct and was executed on February 14, 2006.



VICKIE HALE WETHERELL

02/14/2006 09:38 FAX 2098573972

FedExKinko's

003/030

**EXHIBIT A**

### DECLARATION OF VICKI HALE WETHERELL

I, Vickie Hale Wetherell, declare as follows:

1. I was an Adult Probation Officer employed by the County of San Joaquin from approximately <sup>1978 1989 me</sup> ~~1980 to 1986~~. In 1982 and 1983 I was assigned the case of Bruce Allen Samuelson. Samuelson was a 22-year-old offender who had come into repeated conflict with the law during the preceding ten years, and whose offenses even as a juvenile, were numerous and of increasing seriousness, resulting in multiple, unsuccessful placements in juvenile facilities.

2. While on parole from the California Youth Authority in 1981, Samuelson burglarized the same Stockton business establishment on two occasions, stealing check books and other property during each offense. After Samuelson pled guilty to the felony charges, the Youth Authority rejected him for re-commitment because his extensive history of serious delinquent and criminal behavior – including rape, burglaries, and car thefts – dating back to when he was twelve years old, indicated he was not amenable to treatment. He was subsequently placed on formal, adult probation for a period of five years, and assigned to me for supervision commencing with his release from local custody in June 1982.

3. From the outset, Samuelson's performance on probation was very unsatisfactory. In violation of his conditions of probation, he failed to make any restitution to the victim of his offense. He also failed to report to me on a monthly basis, as directed, and instead reported only once, during the month of September 1982, after I wrote him a letter ordering him to come to my office. He immediately failed to report the following month, October 1982, and telephoned me with the highly implausible excuse that he was going to be admitted to the Stanford Medical Center for chemotherapy on two tumors.

*Vickie Hale Wetherell*  
*sw*  
*plw*

4. Then, sometime between October 22 and October 24, 1982, Samuelson again burglarized the same Stockton business establishment, stole a car from a Stockton car dealership, and fled to Arizona. Following Samuelson's apprehension on November 3, 1982, he was questioned by the police, and reportedly denied stealing the car or committing the burglary, and claimed "a friend" had given him the checks and check protector that were stolen during the burglary.

5. I know from the beginning that Samuelson was a poor risk for a grant of supervised probation. ~~Sadly for the citizens with our community,~~ his continuing pattern of antisocial, criminal behaviors confirmed that assessment. After Samuelson was extradited from Arizona, I therefore prepared a supplemental report informing the San Joaquin County Superior Court of Samuelson's repeated violations of probation, including the fact that instead of making any restitution, he had again victimized the same victim. As a trained probation officer, I recognized that Samuelson's brazen disregard for the law or the conditions of probation, and his attempts to avoid responsibility by making up obvious lies, reflected a consistent pattern of deception and antisocial tendencies. His pattern of recidivist criminality clearly warranted an immediate commitment to state prison, and I recommended that he be required to show cause why he should not be sentenced accordingly.

6. After submitting my report to the Superior Court, I learned that the Court entered into a plea bargain with Samuelson, and had agreed to again place him on probation. In the course of preparing a new sentencing report, I obtained Samuelson's statement, which again evidenced his antisocial tendencies. A defendant's statement is a part of every Probation Report and provides the defendant an opportunity to express remorse. Samuelson, however, completely failed to acknowledge his wrongdoing, and in fact attempted to excuse and justify his criminal behavior by writing an elaborate, preposterous story about helping a family in need through his criminal behavior. Having read thousands of defendant statements, I instantly recognized both the substance of

*Walter F. Walker*  
ow



Samuelson's story and his tone to be extremely disingenuous. When confronted, Samuelson refused and was unable to substantiate his tale with any details about the supposed family in need, including their name, address or other identifying information.

7. I also noted in my 1983 report to the Superior Court that perhaps the most disturbing aspect of Samuelson's written statement was the complete absence of any expression of compassion for the many victims of his crimes. Instead Samuelson excused himself, justified his crimes and finally angrily attacked and blamed others – psychologists, the legal system, employees of San Joaquin County, and the State of California – for his detention and trial.

8. I specifically asked Judge Sayers to take note of Samuelson's criminal history and particularly his lack of compassion for the victims of his crimes. I made such notations when I strongly believed that the Court should act on this issue by imposing appropriate punishment on the defendant. The fact that Samuelson escaped full adjudication and punishment was disconcerting. I had no doubt that without the plea bargain, such a repeated offender would have been sentenced to prison.

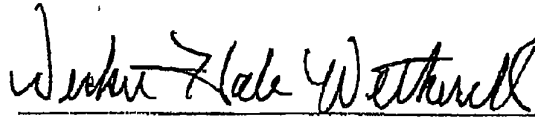
9. Although the plea bargain guaranteed that Samuelson would avoid a prison sentence, I recommended that the Court not waste limited resources by placing Samuelson on supervised probation. It was clear that Samuelson would not abide by any terms or conditions of probation, and our department felt that the use of our time to provide formal supervision should be reserved for individuals who have not already proven themselves to have the established pattern of criminality that Samuelson did.

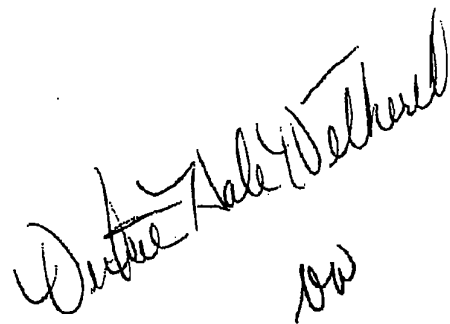
10. I have been subpoenaed to testify in many criminal cases, including <sup>a</sup>capital cases, about ~~probation reports~~ <sup>a parolee whom I had supervised</sup> and the individuals they concern. I was never approached by any party involved with Michael Morales's capital trial. This is despite the fact that I was acquainted with most of the public defenders, district attorneys, and judges at that time in San Joaquin County. I specifically was acquainted with Craig Holmes, Mr. Garber and Mr. Schick, whom I see from Samuelson's file were involved with his case.

*Duke F. H. [Signature]*

If any party had ever subpoenaed me, I could and would have testified truthfully to all I have stated here.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct and that this declaration was executed on February 7, 2006.

  
Vickie Hale Wetherell

  
Vickie Hale Wetherell  
sw

MCBREEN & SENIOR  
1850 CENTURY PARK EAST  
SUITE 430  
LOS ANGELES, CALIFORNIA 90067

TELEPHONE: (310) 552-5300  
FACSIMILE: (310) 552-1205

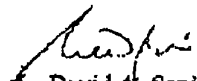
January 29, 2006

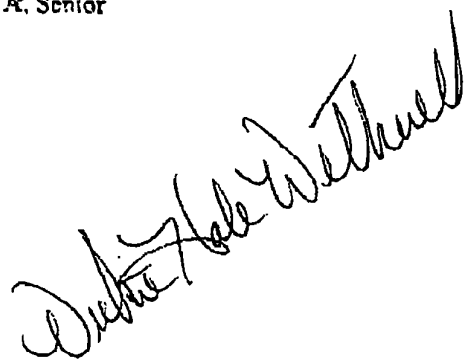
TO WHOM IT MAY CONCERN:

Re: People v. Morales  
M & S File No.: 60430

Please be advised that Kathleen Culhane is an investigator who has been retained to assist in the investigation of the criminal prosecution and death sentence entered against Michael Morales in the Ventura County Superior Court in 1983. Please further be advised that the undersigned has been appointed by the California Supreme Court to represent Mr. Morales with respect to his clemency and post-conviction proceedings.

Very truly yours,

  
David A. Senior





CHAMBERS OF  
**The Superior Court**

CHARLES R. McGRATH, JUDGE

HALL OF JUSTICE  
P.O. Box 6489  
VENTURA, CA 91006-6489  
(805) 634-2238

January 25, 2006

Governor Arnold Schwarzenegger  
Office of the Governor  
Sacramento, CA 95814

Re: *Morales v. Brown*  
M & S file no. 60430

Dear Governor Schwarzenegger:

I was appointed to the bench in Ventura County by then Governor Ronald Reagan in 1974. In 1983, I performed the most solemn duty a judge is asked to undertake: As the trial judge in the capital murder prosecution against Michael Morales (I also was the trial judge for the subsequent capital prosecution against his co-defendant and cousin Ricky Ortega), I independently reviewed the evidence, determined that it supported the jury's penalty phase verdict, and on that basis sentenced Mr. Morales to be executed in San Quentin Prison. I now write to recommend that you grant Mr. Morales clemency, so that he is sentenced to life in prison without the possibility of parole.

My decision to uphold the jury's death verdict was based on the apparent strength of the prosecution evidence against Mr. Morales, the cornerstone of which was the testimony of Bruce Samuelson, a jailhouse informant. I found Mr. Samuelson to be credible and believable. I said so on the record.

Mr. Samuelson testified that he obtained a confession from Mr. Morales admitting to murder and rape. The Supreme Court has long recognized that a confession is probably the most probative and damaging evidence that can be admitted against a criminal defendant. See, e.g., *Arizona v. Fulminante*, 499 U.S. 279, 296 (1991). In this case, Mr. Samuelson's testimony describing the confession was the *only* evidence to support the single special circumstance -- lying in wait -- that made Mr. Morales eligible for the death penalty, as well as the rape conviction.

Mr. Samuelson was also the source of the prosecution's substantial aggravating evidence. Mr. Samuelson testified that almost two years after Mr. Morales was arrested,

*Duke Hale Withers*

Governor Arnold Schwarzenegger  
January 25, 2006  
Page Two .

he made obscene, derogatory references to the victim, Terri Winchell, and callously boasted of the assault upon her. Such testimony effectively demonstrated a heartless lack of remorse by Mr. Morales, and completely undermined his attorney's presentation of penalty phase testimony that Mr. Morales immediately felt deep remorse for his involvement in the incident. Mr. Samuelson also described how Mr. Morales had solicited him to murder trial witnesses Pat Flores and Raquel Cardenas, thus demonstrating that Mr. Morales presented a serious and continuing danger to society even while confined in prison. I believe that Mr. Samuelson's testimony was instrumental in convincing the jury, as it did me, that death was the only appropriate punishment in this case.

New information has emerged to show the evidence upon which I relied in sentencing Mr. Morales to death – Mr. Samuelson's testimony – is false. Significantly, the revelations were brought to light by the California Attorney General's subsequent investigation into Mr. Samuelson's account of the circumstances surrounding Mr. Morales' confession. When the Attorney General asked Mr. Samuelson to explain how he induced Mr. Morales to speak freely between jail cells in a crowded cellblock widely known to hold informants, Mr. Samuelson answered that he conversed with Mr. Morales in Spanish. In response to Mr. Samuelson's claim, Mr. Morales' attorneys have verified under oath from numerous sources that, apparently unbeknownst to Mr. Samuelson, Mr. Morales does not speak Spanish. The Attorney General has never contested any of these facts. (See, e.g., The Attorney General's most recent filing, in response to Mr. Morales' petition for certiorari to the United States Supreme Court.)

Mr. Samuelson's testimony was indispensable to proving the lying-in-wait special circumstance finding upon which Mr. Morales' eligibility for a death sentence now rests, and proved critical in tipping the balance of aggravating and mitigating circumstances in favor of a death sentence. The jury was explicitly instructed to consider Mr. Samuelson's testimony in choosing the appropriate sentence and that Mr. Samuelson's testimony alone could be used to outweigh all mitigating evidence and compel a death sentence.

I am not aware of any state or federal court having conducted an evidentiary inquiry into the truthfulness of Mr. Samuelson's testimony. I know that I have not been asked to testify regarding the significance of the information that has been disclosed since I was led to believe that Mr. Morales actually made the incriminating statements attributed to him by Mr. Samuelson. If I had been asked to do so, I could and would have testified truthfully that impeachment of Mr. Samuelson's testimony with evidence of his untruthfulness in describing the circumstances of the purported confession would have rendered his testimony, and the prosecution's case, insufficient to support the death sentence. Accordingly, I would have set the death sentence aside.

Walter Hale Winchell

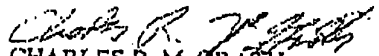
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Governor Arnold Schwarzenegger  
January 23, 2006  
Page Three

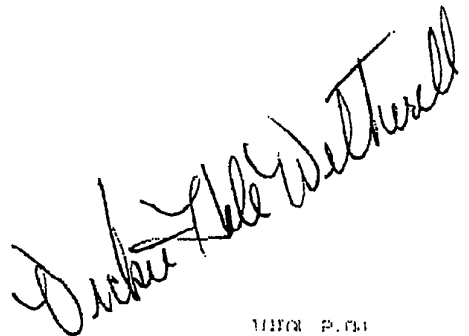
The statutory requirement that trial judges review death verdicts is intended to enhance the fairness, uniformity and reliability of penalty determinations in capital cases. The conscientious discharge of this weighty obligation protects the integrity of the judicial system, public confidence in the administration of the state's power to impose death, and the rights of defendants to individualized sentencing decisions. If, in the course of performing my judicial duty, I had been permitted to consider evidence of Mr. Samuelson's falsehoods that was belatedly discovered by the Attorney General and Mr. Morales' attorneys, I would not have let the death sentence stand; and the awesome decision whether to spare his life would not be before you at this time. Under such circumstances, executing Mr. Morales would frustrate the design of our sentencing laws, and would constitute a grievous and freakish injustice. I respectfully recommend that you grant clemency to Mr. Morales.

Respectfully yours,

  
CHARLES R. McGRATH  
Retired Judge of the Superior Court

CRM:sj  
cc:  
William W. Lockyer, Esq.  
Attorney General

David A. Senior, Esq.



JUDGE P.01



*Duke Hale Wetzel*

RECEIVED  
MAY 23 1983RALPH W. EPPERSON, CLERK  
*Ralph W. Epperson*  
Deputy Clerk

FILED

1983 JUN -3 PM 4:48  
RALPH W. EPPERSON, CLERK

BY: DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN  
HON. K. PETER SALTERS JudgePEOPLE OF THE STATE OF CALIFORNIA  
vs.

## PROBATION OFFICER'S REPORT

No. 33960  
A-28286

BRUCE ALLEN SAMUELSON Defendant

AKWYN Same as above Ethnic White  
Sex Male DOB 12-17-60 Age 22 Birthplace Glendale, Ca. Citizen Yes  
Address 1029 N. Hunter St., #6, Stockton, Ca.  
Marital Single No. of Dep. 0 Occupation Laborer  
Employer N/A Income 0 Source N/A  
D.L. No. N8875080 S.S. No. 560-25-3468 C.I.I. No. A86157119  
FBI No. 0772536W1 No. Stockton #140385  
Prior Convictions 5 Misdemeanors 1 Felony 2 Prob/Parole Viol. 0  
Offense(s) Violation of Section 10851 CVC, Vehicle Theft; violation of  
Section 470 PC, Forgery, both felonies  
Offense Date 11-3-82 Arresting Agency Arizona H.P.  
10-22-82 T.O.T. SPD Date Arrested 11-3-82  
How Convicted Plea of Guilty Accomplices None  
Days in Jail Awaiting Disposition 205 OR N/A Bail N/A  
Referral Date 4-11-83 P&J Date 5-26-83 Attorney John Schick

## RECOMMENDATION:

Informal Probation

## REPORT SUBMITTED BY:

Vickie Hale Wetherell  
Probation Officer II  
Adult Division*Vickie Hale Wetherell*



Bruce Alan Samuelson

J-10-03

Defendant's Version:

That between 10-20-82 & 11-03-82, I went to various stores, financial institutions, etc. throughout Stockton, Modesto, Sacramento, Roseville, Reno, Lake Tahoe, & Carson City, cashing forged checks ranging from \$175 - \$9300, using different reasons for; escalating amounts; work/residence difference of location; type of work done by Co's

At the time, I was hid off by my employer, and as a result formed my own Co to retaliate against him for his unfair labor practices & with my new business, struggle (financial) & lack of business set in.

During this period, there was also a family who I am very close to, that was denied welfare, even though the man of the house had been laid off, & his wife was only making \$1200 every two weeks. They have 3 children who are more like sisters & a brother, than my own sisters & brother.

I did not like the decision given them from Sonoma (welfare) because it was not fair. If he (the father) had never worked, or was a criminal, I could understand it, maybe. But to deprive the whole family, was immoral & unnecessary.

So, I took it upon myself to obtain money for groceries & bills. I don't feel that it's right to let someone continually borrow money from her employer, so she can buy milk, ground beef, bread & eggs, when others get welfare checks that pay for their drug/alcohol habits. This family is a very Christian oriented / life styled family. They knew nothing of where or how I was securing the money & groceries. When asked, I lied & told them it was from working on cars, for friends. If I had told the truth, they would still be fighting a losing battle. I helped paint another house (managed by the same Co, as theirs) so they would not be evicted.

Since the bureaucrats of S.J.C. & the State of California, decided that, prior to unemployment of the

*Duke Lake Welfare*

husband, the family was doing "ok", therefore, justifying the denial of Welfare, Medi-Cal, or any assistance to a family that was in need, I took it upon myself to do it.

After 4 months of incarceration, I told this family what I had done. Even though it was wrong, they understood. We've talked about it, and I know I should have, if I wanted to help someone, gone to the bank & gotten a loan.

My last conviction was from basically the same crime (burg, but forgery from within) but nobody ever knew why I did that. Well, it was for the same family, the same reasons, almost, as follows.

One thing this family helped me tremendously upon my release from C & A, & I felt somewhat responsible to help them out, since ~~no~~ none else would let my emotions control my anger & chose to act irrationally, so to speak legally, I was wrong, morally, I strongly believe I was right!

Given the same situation, I would choose a more appropriate alternative in lieu of stealing/forging checks. I will be involved in psychological counseling during my stay in jail, & after my release. I feel this is essential to my remaining a free man. I have some very deep-seated emotional problems that I am finally releasing through counseling sessions. I never have treated any "mental-professional" until I met the Social Worker at the S.T. Jail. He can talk in a way that is beneficial, instead of depending on me.

No psychologist, sociologist, etc. can tell any person more about himself, than that person allows the counselor to know. That's why I never treated any "professional" until I met Tracy. Everyone else was telling me what was wrong, on very limited information, using the excuse-reasoning that they are experts. That is bull shit, & will always remain that.

Duke Hale Wethered

way to me. Jerry listens to everything and makes suggestions, "constructive criticisms", & ~~is~~ solid advice. No man can or ever will, be able to "tell" another person anything, & I really expect them to understand & respond in a positive manner, especially classifying or stereotyping him.

An expert classified me, I'm "above average intelligence, with a lack of impulse control". That could very well be true, and most likely is, but that is for me to look at and decide. How can a man who has "only" known me for less than two hours, tell me what kind or type of person I am? That's like me walking up to someone in a classroom, watch them & talk to them for awhile, and tell them "you're smart, but you can't be a base ball player!" How do I know? Because I've been given a piece of paper saying I'm a doctor? No, I can't tell anybody anything about what they are, and neither can any one else. If they think they can because another person said they can, because they're an expert, they're full of shit, plain & simple.

I know what's wrong with me and I've decided to change that. With my choice, I will not return to the custody of anyone. Giving someone custody of another means they are responsible for that person's care, mental & physical. No institution cares about anyone, except for a few of the staff members. Why should I turn my life over to the custody/care of someone who doesn't care? This is a question I've looked at & answered.

Bruce  
Darmstadter  
14 May 1988

Order File Withdraw

## BRUCE ALLEN SAMUELSON

Preface: The present offense section of this presentence report was written utilizing information contained in San Joaquin County District Attorney's file F-1629-82.

## PRESENT OFFENSE

Between the dates of October 22, 1982 and October 24, 1982, the offices of Paul E. Hermann, 5404 North Pershing Avenue, Stockton, California, were burglarized. Among items taken were a number of blank checks, a check protector and a typewriter.

On November 3, 1982, the defendant, Bruce Allen Samuelson, was arrested in Kingman, Arizona, when it was determined the vehicle he was driving had been stolen from Classics Limited in Stockton, California, on October 23, 1982. Inside of the vehicle were items that had been taken when the offices of Paul E. Hermann had been burglarized.

Subsequently, a number of the checks taken during the burglary surfaced and were determined to have been forged. The checks were made payable to the defendant.

Samuelson was extradited to California. During questioning, he denied any involvement in the burglary which checks and a check protector were taken but admitted obtaining these items from a friend and subsequently passing a minimum of 13 to 14 checks with none of them issued for less than \$300.

## COLLATERAL INFORMATION

On November 12, 1982, an Amended Complaint was filed in the Stockton Judicial District charging the defendant with one count of a violation of Section 10851 of the Vehicle Code, The Theft and Unlawful Driving or Taking of a Vehicle, a felony, (victim Classics Limited); Count II, a violation of Section 496 of the Penal Code, Receiving Stolen Property, a felony, (victim Classics Limited); Count III, a violation of Section 496 of the Penal Code, Receiving Stolen Property, a felony, (victim Paul Hermann); Count IV, a violation of Section 470 of the Penal Code, Forgery, a felony, (victim Bank of Stockton, Paul Hermann and Fry's); Count V, a violation of Section 470 of the Penal Code, Forgery, a felony, (victim Bank of Stockton, Paul Hermann and Food Bank); Count VI, a violation of Section 470 of the Penal Code, Forgery, a felony, (victim Bank of Stockton, Paul Hermann and Fry's).

On February 2, 1983, a preliminary examination was held. Thereafter, an Information was filed charging the defendant with one count of a violation of Section 10851 of the California Vehicle Code, The Theft

*Justice Dale W. Threll*

## BRUCE ALLEN SAMUELSON

and Unlawful Driving or Taking of a Vehicle, two counts of a violation of Section 496 of the Penal Code, Receiving Stolen Property, and two counts of a violation of Section 470 of the Penal Code, Forgery, all felonies.

On April 11, 1983, the defendant pled guilty to one count of a violation of Section 10851 of the California Vehicle Code and one count of a violation of Section 470 of the Penal Code.

Pending Matters: According to the defendant, due to other forged checks he cashed during the time span issue of this presentence report, warrants have been issued for him out of Roseville, Sacramento and Modesto.

Indicated Judgment: The Minute Order in this matter dated April 11, 1983, reflects an indicated Judgment of three years, eight months in state prison stayed for five years; formal probation; one year county jail; restitution on all counts.

Time in Custody:

<u>Facility</u>	<u>From</u>	<u>To</u>	<u>Total</u>
San Joaquin County Jail	11-3-82	5-26-83	205 Days

## DEFENDANT'S VERSION

The defendant was interviewed by the undersigned in the San Joaquin County Jail on May 10, 1983. At that time, it was decided he would prepare a written statement which now has been received by the undersigned and is appended for the Court's perusal.

The defendant has declined to supply the name of this family in order that they may be contacted for verification that funds really were given to them by the defendant. The Court may also wish to take note that nowhere in Samuelson's three page statement setting forth he committed his crimes only in the name of charity to a family befallen with financial hardships, does he indicate any compassion for the various human beings whom he victimized by his acts, leaving them with large financial losses.

## BACKGROUND

This twenty-two-year-old defendant is a native of Glendale, California and the second oldest of four issue born to the marriage of Adrian Samuelson and the former Evelyn Bushor. The marriage remained intact from 1959 to 1964. About the time of Mrs. Samuelson's separation from the defendant's father, she committed herself to Camarillo State Hospital for 90 days, due to her inability to cope with reality at

*Duke Dale Wetherell*

## BRUCE ALLEN SAMUELSON

that point. She then left the family. According to the defendant, he last saw his mother in 1963. To his knowledge, she currently lives in Appleton, Wisconsin, and is engaged in her fourth marriage.

After the defendant's parents divorced, his father took custody of the children. He was obliged to place them in a foster home for over a year, when he contracted a serious case of hepatitis. From 1969 to 1973, Samuelson's father was married to Angela Lynch. During the marriage, she was involved in an automobile accident which left her debilitated and unable to care for the children in the family, including her own two children. Shortly after this, she divorced the defendant's father.

Probation Department records reflect that the defendant's father abused alcohol and placed high expectations on the children, although he frequently was not around to supervise their activities. He currently is on probation to the undersigned for a violation of Section 242 of the Penal Code, Battery, a misdemeanor, (two counts).

Education: The defendant withdrew from Lincoln High School in Stockton, California, in 1977. He acquired a high school diploma which bears the school's name after completing the balance of his credits through O.H. Close School for Boys at the California Youth Authority. According to Samuelson, he received A's and B's while a student.

Samuelson also reported completing 48 units at San Joaquin Delta College locally, earning a 3.8 grade point average. While detained with the California Youth Authority, he reportedly earned a certificate in volume cooking.

Employment: Previous employment undertaken by the defendant was as a landscaper for Bill Laughlin, as a tractor driver for his father, as assistant head cook for Smorgy Boys in Stockton, as a laborer for Centurian Glass and he has been self employed in a glass business.

Financial: Samuelson did not report any assets. As debts, he indicated an amount owing for prescription glasses and financial obligations for the checks he has written.

Marital: The defendant did not report any marriages, common-law relationships, or children.

Military: Samuelson has had no previous military service.

*Duke F. Wetherell*

## BRUCE ALLEN SAMUELSON

Health: The defendant underwent elbow surgery in 1978 after an automobile accident and was re-injured several years later while playing basketball. He stated at the present time he is being given tylenol for back pain.

Psychological: Samuelson recalled that in 1976, he participated in family counseling for an approximate time span of two months with a counselor whose name he could not recall.

While involved with the Juvenile Justice System, the defendant indicated he was directed to attend counseling with Mary Sue Ittner.

Samuelson related he is desirous of engaging counseling services upon his next release. Jail Social Worker Jerry Heller will assist him with a referral.

Prior Probation Information: On November 4, 1981, after having entered guilty pleas to two counts of a violation of Section 459 of the Penal Code, Burglary in the Second Degree, a felony, Samuelson was placed on five years formal probation, after being rejected by the California Youth Authority. Both counts involved victim Paul Hermann, who is also a victim in the present offense.

The undersigned supervised Samuelson commencing in June 1982 upon his release from local incarceration. He was to report to the undersigned monthly in person and effect restitution in the amount of \$1,711.78. Samuelson failed to report in the months of July and August. He reported in September in response to a come-in letter. In October he telephoned and claimed he was going to be admitted to Stanford Medical Center for chemotherapy on two tumors. The following month, the defendant was in custody for the present matters. He failed to effect even one payment toward his restitution obligation.

Prior Parole Information: The defendant was placed on parole through the California Youth Authority October 2, 1979. At the time he committed the offenses for which he currently is being supervised by the San Joaquin County Probation Department, he was still on California Youth Authority parole. When the presentence report was prepared in his previous conviction, parole agent James Pickering had expressed the opinion Samuelson should be recommitted to the California Youth Authority as he may have a chance to avoid prison if he was cooperative with the programs offered by that agency. It was Pickering's opinion Samuelson was amenable to treatment.

As aforementioned, the California Youth Authority rejected Samuelson as a commitment. Their reason was an "extensive history of delinquent and criminal behavior dating back to 1972."

*Duke Hale Wetherell*

## BRUCE ALLEN SAMUELSON

Statement of Victim: A reply received from Classics Limited reflected the following information. Their insurance company paid \$3,822.50, and Classics Limited suffered a loss of \$200. Further, the insurance company cancelled the policy. The cost to replace the policy with a new company because of the loss and three other losses increased the premium in the amount of \$8,000.

Victim Paul Hermann agreed to submit an itemized list of his losses on April 21, 1983. To date, it has not been received.

Remarking on the event, he noted this to be the third time Samuelson had victimized his establishment. The numerous checks recovered (from various business firms) were clients in the family of his management firm. He spoke adamantly of the trauma experienced in dealing with the victims in the forgeries and the banks. Check replacement was time-consuming, and stop payment orders caused endless problems with the banks.

In a contained and reasonable demeanor, Mr. Hermann suggested that society should be protected from this person by whatever means necessary.

Drug/Alcohol Use: The defendant reported no involvement with alcohol or illegal narcotics.

Prior Juvenile Record: Records of the San Joaquin County Probation Department reveal the defendant to be known to them as a juvenile offender as reflected on the appended sheet.

Prior Adult Record: Records of the California Bureau of Criminal Identification and Investigation and the San Joaquin County Probation Department reveal the defendant to be known to them as reflected on the attached sheet.

## SUMMARY

The defendant was arrested in Kingman, Arizona, on November 3, 1982, in a vehicle that was determined to have been stolen from Classics Limited in Stockton, California. He had in his possession property taken from a recent burglary of a Stockton office building owned by Paul Hermann. Samuelson later forged numerous checks taken from the Hermann business.

*Discreet File Withdrawal*



BRUCE ALLEN SAMUELSON

## EVALUATION

Samuelson has come into conflict with the law for the past ten years. Juvenile Court wardship, a commitment to the California Youth Authority and a grant of formal probation as an adult had no positive effect on his behavior, as he has continued to involve himself in criminality.

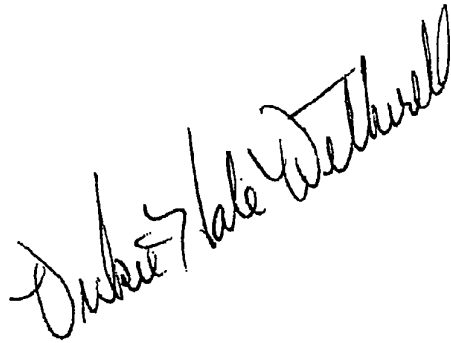
Although the Court has entered into a plea bargain and stated its intentions to place the defendant on formal probation, a grant of informal probation with a suspended state prison sentence will be recommended. With recent budget cuts within the Probation Department and the resulting loss of staff, it is felt formal supervision should be afforded to individuals who have not already proven themselves to have the established pattern of criminality that Samuelson does.

Circumstances in Aggravation:Facts Relating to the Crime:

1. Multiple victims are involved;
2. By the defendant's own admission, the crime was planned.

Facts Relating to the Defendant:

1. The defendant's prior convictions as an adult total three, two of which are felonies, and his adjudications of commissions of crimes as a juvenile were numerous and of increasing seriousness;
2. The defendant was on probation when he committed the crime;
3. The defendant's prior performance on probation was unsatisfactory, as he failed to report on a regular basis and failed to effect restitution.



BRUCE ALLEN SAMUELSON

Circumstances in Mitigation:Facts Relating to the Crime: None.Facts Relating to the Defendant:

1. The defendant acknowledges his wrongdoing.

## RECOMMENDATION

It is respectfully recommended the Court pronounce and suspend a state prison sentence and place the defendant on informal probation for a period of five years under the following terms and conditions:

1. That the defendant serve a period of incarceration in the San Joaquin County Jail commensurate with the Court's determination of the seriousness of this matter;
2. That the defendant effect restitution to the San Joaquin County Treasurer's Office in an amount and manner to be determined by the District Attorney's Office;
3. That the defendant submit to the following kinds of search and seizure, at any time of the day or night, by any peace officer or probation officer, without the requirement of probable cause or defendant's consent or a search warrant:
  - a. Of his person;
  - b. His place of residence or temporary abode;
  - c. Vehicle registered to him or which he is driving at the time;
  - d. His personal effects;

John Carlson


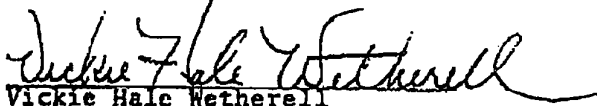
Debbie Hale Wetherell

BRUCE ALLEN SAMUELSON

4. That during the term of his probation, the defendant will not possess any blank checks or maintain a checking account, *without prior approval of the Probation Officer*

Respectfully submitted,

Approved by:

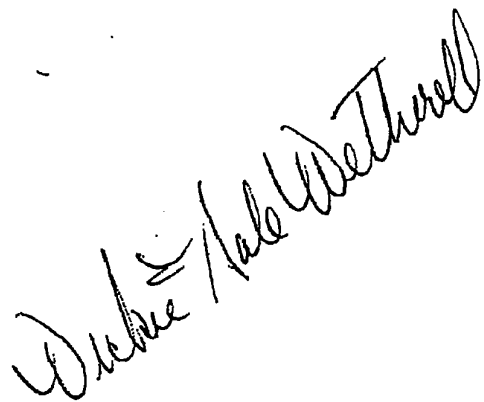
WILLIAM L. JONES  
CHIEF PROBATION OFFICER  
K. H. Hurst  
Probation Officer III  
Adult Division  
Vickie Hale Wetherell  
Probation Officer II  
Adult Division

ah

May 20, 1983

Read and considered:

DATED:

~~JUDGE OF THE SUPERIOR COURT~~

## SAN JOAQUIN COUNTY PROBATION DEPARTMENT

PRIOR RECORDBRUCE ALLEN SAMUELSON

DATE CT.#	ARRESTING AGENCY	CHARGE	DISPOSITION
3-22-81 M-89623	PD STOCKTON	484 PC 459 PC 459 PC 272 PC 272 PC	4-17-81: NO CONTEST, 484 PC, MISD., 180 DS/150 DS JL SS 3 YRS W/O SUPERV; OAK (1ST MISD.)

Defendant Samuelson, aged twenty, was in the company of a thirteen-year-old male and a seventeen-year-old male. Together, they entered the New Deal Market at 5757 North Pacific Avenue in Stockton and placed a variety of items, including four condoms, into several shopping bags. Upon leaving the store without paying for the items, they were apprehended by security personnel. Defendant Samuelson told Stockton Police that he lost his job and was feeling bored. He was living at a half-way house of the California Youth Authority in Stockton and was a "foster brother" to the thirteen-year-old male.

5-28-81 32310	PD STOCKTON	459 PC 4 CTS.	7-29-81: PG TWO CTS. 459 PC, SEC. DEG, TWO CTS. DISM IN VIEW OF PLEA; 11-4-81: FIVE YRS FORM. PROB. 365 DS JL, RSTN. (1ST AND 2ND FELONIES)
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During the weekends prior to May 18, 1981 and May 25, 1981, the defendant admittedly burglarized the businesses of Paul Hermann, taking blank checks which he forged and cashed at several super-markets.

*Walter Hale Wethered*

# CONFIDENTIAL

## JUVENILE RECORD FOR BRUCE A. SAMUELSON

Prior Record: The defendant is known to the Probation Department of San Joaquin County as a juvenile in the following manner:

December 15, 1972 - MALICIOUS MISCHIEF: Minor was arrested by Norwalk Sheriff's Office after he broke a neighbor's outdoor Christmas lights. Minor mowed lawns and performed odd jobs in order to make restitution.

April 15, 1973 - RUNAWAY: Minor was found by police riding his bike at 2:30 a.m., and was taken to a police station. Minor admitted that he had run away from home. Minor was detained in Los Padrinios Juvenile Hall, and subsequently was released to his father.

May 21, 1973 - CURFEW/PETTY THEFT: Minor took a ten-speed bike and was found in La Habra at a late hour. Minor was taken to the Orange County Juvenile Hall. Minor admitted both offenses in Court on May 21, 1973. Minor was released to his father. The case was transferred to Los Angeles County for disposition. Minor subsequently was ordered placed, and was admitted to the Sycamore Boys Home in Altadena on July 5, 1973.

January 9, 1974 - RUNAWAY/PETTY THEFT: Minor and another youth ran away from the Sycamore Boys Home. They were arrested and taken to Los Padrinios Juvenile Hall for attempting to shoplift a handball and bowling gloves from the J. C. Penney store in Downing. The minor was removed from the Sycamore Boys Home on February 1, 1974, due to three AWOLs since Christmas.

February 19, 1974 - BENCH WARRANT REQUESTED: A Bench Warrant was requested on the above date as the minor was found to be AWOL from Rancho San Antonio.

April 7, 1974 - BURGLARY: While placed at Rancho San Antonio, the minor broke the windshield and scratched the body of a car owned by a counselor there. Minor was removed from placement, detained in Juvenile Hall, and subsequently sent to Kingman, Arizona, to live with his paternal grandparents. Courtesy supervision was set up in the state of Arizona until jurisdiction later was terminated.

**CONFIDENTIAL**

BRUCE SAMUELSON

May 15, 1975 - RUNAWAY: Minor took his grandfather's car and left home. He was located in the Bullhead City area 35 miles from Kingman, Arizona. The grandfather did not file charges, but returned the minor to his father in California by bus on July 18, 1975.

March 23, 1976 - VEHICLE THEFT & BURGLARY: Minor was adjudged a ward of the Court in Los Angeles County after being involved in the theft of four cars and taking part in a residential burglary. One count of auto theft and the burglary were sustained.

May 13, 1976 - FORCIBLE RAPE/PETTY THEFT & MALICIOUS MISCHIEF:

The minor was charged with two counts of forcible rape as he had forced his sixteen-year-old sister, Sheri, to have sexual intercourse with him in their home after the father had left for work and before school in the morning. Minor further was charged with petty theft insofar as he had stolen a Schwinn bicycle, which subsequently was recovered. The malicious mischief was in regard to the minor's being observed throwing eggs at a private residence. Additionally, a screen door was broken. The damages were estimated at \$50.

The minor was placed in a residential program on June 16, 1976, and was ordered to pay restitution for the malicious mischief.

March 15, 1978 - VIOLATION OF PROBATION: Minor was found in violation of his Court orders in that he failed to notify his probation officer of his new address in another county, and later ran away from home, taking his thirteen-year-old brother with him. The minor was placed in the Juvenile Court Camp Community Placement Program.

**COURT**

December 6, 1977 - TRANSFER-IN OF WARDSHIP: San Joaquin County Probation Department accepted wardship of the minor on this date, following a Petition from Los Angeles County dated March 5, 1976, alleging Count I, Vehicle Theft, and Count II, Burglary.

February 7, 1978 - VEHICLE THEFT & BURGLARY: Minor was continued a ward of the Juvenile Court of San Joaquin County on a Transfer-In Petition from Los Angeles County for vehicle theft and burglary. The minor was apprehended on these charges while on the run from Stockton. He was committed to Peterson Juvenile Hall for 180 days, with 90 days suspended.

*Justice Hale Withers*

**CONFIDENTIAL**

BRUCE SAMUELSON

June 23, 1978 - VEHICLE THEFT: Minor was continued a ward of the Court on the above date as the result of an incident in which he entered his father's place of employment and stole one of the company vehicles. He and two young boys later were spotted by several witnesses while spraying the contents of a fire extinguisher on passersby as they drove down the road. The minor eluded the sheriff's officers for several days, and finally turned himself in at Peterson Juvenile Hall on May 16, 1978.

The minor was ordered detained a total of 180 days.

October 30, 1978 - VEHICLE THEFT: Minor's father reported to the Stockton police that the minor had stolen his truck and had wrecked it. Minor's father was not aware that the vehicle had been stolen for approximately one day, but later learned that the vehicle had been in an accident on October 28, 1978, while being driven by the minor. The minor did not return home until November 1, 1978, and this led to the subsequent arrest.

**COURT**

November 28, 1978 - CONTESTED JURISDICTIONAL HEARING: Minor entered a plea of no contest to Count I of the Petition alleging a violation of Section 10851 of the Vehicle Code, Vehicle Theft. Charges of violating Sections 207, 261.2 and 220 of the Penal Code were dismissed without prejudice for insufficiency of evidence.

**COURT**

December 28, 1978 - CONTESTED DISPOSITIONAL HEARING: Minor was committed to California Youth Authority. Minor was not to be held in physical confinement for period exceeding 16 months, with credit for time served in the amount of 58 days.

October 2, 1979 - Minor was paroled from the California Youth Authority. Minor was on parole to the California Youth Authority when he committed the offenses for which he was arrested on March 27, 1981, and May 28, 1981.

*Dickie F. Wetherill*

FILED

DEC -2 PM 4:14

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

PEOPLE OF THE STATE OF CALIFORNIA

vs.

NO. 32310  
A-28286

BRUCE ALAN SAMUELSON

Defendant

PROBATION OFFICER'S  
SUPPLEMENTAL REPORT

The Court's attention respectfully is directed to the information on file in this matter. On July 29, 1981, the defendant entered pleas to two counts of a violation of Section 459 of the Penal Code, Second Degree Burglary, a felony. Two other counts of a violation of Section 459 of the Penal Code were dismissed at that time.

On October 1, 1981, the defendant was committed to the California Youth Authority for two years as to Count II. As to Count I, a California State Prison commitment of three years was suspended for five years on the condition that the defendant obey all laws and pay restitution.

By letter from the Department of the Youth Authority dated October 22, 1981, the Court was advised the Department of the Youth Authority was unable to accept the defendant's case because, "Mr. Samuelson has an extensive history of delinquent and criminal behavior dating back to 1972,..."

On November 4, 1981, Samuelson was placed on formal probation for a period of five years for both counts to which he had entered pleas, under specific terms and conditions which include the following:

"You are to obey all laws that apply to your personal conduct."

It is alleged Samuelson is in violation of the above condition of his probation grant in the following manner.

Samuelson currently is in custody in the San Joaquin County Jail on a Complaint filed November 12, 1982, alleging one count of a violation of Section 10851 of the Vehicle Code, The Theft and Unlawful Driving or Taking of a Vehicle, a felony, two counts of a violation of Section 496 of the Penal Code, Receiving Stolen Property, a felony, and three counts of a violation of Section 470 of the Penal Code, a Forgery a felony.

*Robert F. Wetherell*



## BRUCE ALAN SAMUELSON

The circumstances giving rise to the above charges, according to Stockton Police Department Crime Reports, indicate the defendant was arrested in Kingman, Arizona, in a vehicle that had been reported as stolen from Classic's Limited Used Cars in Stockton. To authorities, Samuelson acknowledged knowing the car's stolen status but denied responsibility for the original theft.

He also denied any involvement in the burglaries during which checks and a check protector were taken but admitted obtaining these items from a friend and subsequently passing a minimum of 13 to 14 checks with none of them issued for less than \$300.

SUMMARY AND EVALUATION

The defendant has been supervised by the undersigned since June of the current year when he was released from custody. Total restitution owing is \$1,711.78, with monthly payments of \$50. Samuelson has failed to effect any payments on his financial obligation. He failed to report to the Probation Department in the months of July and August. When he reported in September he indicated he had failed to report out of neglect.

The aforementioned letter to the Court from the Department of the Youth Authority dated October 22, 1981, made it obvious that Samuelson was a poor risk for a grant of supervised probation within the community. By all of the defendant's actions as aforementioned, he has indeed proved them to have judged him correctly. Unfortunately, citizens within the community have again suffered a large dollar loss at the hands of the defendant while he continued to come into conflict with the law, just as he has done for the past ten years.

RECOMMENDATION

It is respectfully recommended the defendant be brought before the Court to show cause, if any he has, why he should not be found in violation of probation and committed to the Department of Corrections.

*Duke Hale Decker*

BRUCE ALAN SAMUELSON

I certify under the penalty of perjury that I prepared this report and that the same is true of my own knowledge, except as to those matters therein stated on information or belief.

DATED: November 23, 1982 at Stockton, California.

Approved by:

Karl H. Hurst  
Karl H. Hurst  
Probation Officer III  
Adult Division

Respectfully submitted,

WILLIAM L. JONES  
CHIEF PROBATION OFFICER

Vickie Hale Wetherell  
Vickie Hale Wetherell  
Probation Officer II  
Adult Division

as

November 23, 1982

**Exhibit 7**

**Probation Officer's Supplemental Report for Bruce  
Samuelson, filed December 1982**

FILED

DEC -2 PM 4:14

SAN JOAQUIN COUNTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

PEOPLE OF THE STATE OF CALIFORNIA

vs.

NO. 32310  
A-28286

BRUCE ALAN SAMUELSON

Defendant

PROBATION OFFICER'S  
SUPPLEMENTAL REPORT

The Court's attention respectfully is directed to the information on file in this matter. On July 29, 1981, the defendant entered pleas to two counts of a violation of Section 459 of the Penal Code, Second Degree Burglary, a felony. Two other counts of a violation of Section 459 of the Penal Code were dismissed at that time.

On October 1, 1981, the defendant was committed to the California Youth Authority for two years as to Count II. As to Count I, a California State Prison commitment of three years was suspended for five years on the condition that the defendant obey all laws and pay restitution.

By letter from the Department of the Youth Authority dated October 22, 1981, the Court was advised the Department of the Youth Authority was unable to accept the defendant's case because, "Mr. Samuelson has an extensive history of delinquent and criminal behavior dating back to 1972,...."

On November 4, 1981, Samuelson was placed on formal probation for a period of five years for both counts to which he had entered pleas, under specific terms and conditions which include the following:

"You are to obey all laws that apply to your personal conduct."

It is alleged Samuelson is in violation of the above condition of his probation grant in the following manner.

Samuelson currently is in custody in the San Joaquin County Jail on a Complaint filed November 12, 1982, alleging one count of a violation of Section 10851 of the Vehicle Code, The Theft and Unlawful Driving or Taking of a Vehicle, a felony, two counts of a violation of Section 496 of the Penal Code, Receiving Stolen Property, a felony, and three counts of a violation of Section 470 of the Penal Code, a Forgery a felony.

24

BRUCE ALAN SAMUELSON

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He also denied any involvement in the burglaries during which checks and a check protector were taken but admitted obtaining these items from a friend and subsequently passing a minimum of 13 to 14 checks with none of them issued for less than \$300.

SUMMARY AND EVALUATION

The defendant has been supervised by the undersigned since June of the current year when he was released from custody. Total restitution owing is \$1,711.78, with monthly payments of \$50. Samuelson has failed to effect any payments on his financial obligation. He failed to report to the Probation Department in the months of July and August. When he reported in September he indicated he had failed to report out of neglect.

The aforementioned letter to the Court from the Department of the Youth Authority dated October 22, 1981, made it obvious that Samuelson was a poor risk for a grant of supervised probation within the community. By all of the defendant's actions as aforementioned, he has indeed proved them to have judged him correctly. Unfortunately, citizens within the community have again suffered a large dollar loss at the hands of the defendant while he continued to come into conflict with the law, just as he has done for the past ten years.

RECOMMENDATION

It is respectfully recommended the defendant be brought before the Court to show cause, if any he has, why he should not be found in violation of probation and committed to the Department of Corrections.

BRUCE ALAN SAMUELSON

I certify under the penalty of perjury that I prepared this report and that the same is true of my own knowledge, except as to those matters therein stated on information or belief.

DATED: November 23, 1982 at Stockton, California.

Respectfully submitted,

WILLIAM L. JONES  
CHIEF PROBATION OFFICER

Approved by:

Karl H. Hurst  
Karl H. Hurst  
Probation Officer III  
Adult Division

Vickie Hale Wetherell  
Vickie Hale Wetherell  
Probation Officer II  
Adult Division

as

November 23, 1982

**Exhibit 8**

**Probation Officer's Report for Bruce Samuelson, filed May 26,  
1983**

RECEIVED  
MAY 23 1983

RALPH W. EPPERSON, CLERK  
*Bundt*  
Deputy Clerk

FILED

1983 JUN -3 PM 4:48  
RALPH W. EPPERSON, CLERK

BY DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN  
HON. K. PETER SAITERS Judge

PEOPLE OF THE STATE OF CALIFORNIA  
vs.

BRUCE ALLEN SAMUELSON Defendant

PROBATION OFFICER'S REPORT

No. 33960  
A-28286

AKN/WTN Same as above Ethnic White  
Sex Male DOB 12-17-60 Age 22 Birthplace Glendale, Ca. Citizen Yes  
Address 1029 N. Hunter St., #6, Stockton, Ca.  
Marital Single No. of Dep. 0 Occupation Laborer  
Employer N/A Income 0 Source N/A  
D.L. No. N8875080 S.S. No. 560-25-3468 C.I.I. No. A96157119  
FBI No. 0772536W1 No. Stockton #140385  
Prior Convictions 3 Misdemeanors 1 Felony 2 Prob/Parole Viol. 0  
Offense(s) Violation of Section 10851 CVC, Vehicle Theft; violation of  
Section 470 PC, Forgery, both felonies  
11-3-82 Arizona H.P.  
Offense Date 10-22-82 Arresting Agency T.O.T. SPD Date Arrested 11-3-82  
How Convicted Plea of Guilty Accomplices None  
Days in Jail Awaiting Disposition 205 OR N/A Bail N/A  
Referral Date 4-11-83 P&J Date 5-26-83 Attorney John Schick

RECOMMENDATION:

Informal Probation

REPORT SUBMITTED BY:

Vickie Hale Wetherell  
Probation Officer II  
Adult Division

4



BRUCE ALLEN SAMUELSON

Preface: The present offense section of this presentence report was written utilizing information contained in San Joaquin County District Attorney's file F-1629-82.

PRESENT OFFENSE

Between the dates of October 22, 1982 and October 24, 1982, the offices of Paul E. Hermann, 5404 North Pershing Avenue, Stockton, California, were burglarized. Among items taken were a number of blank checks, a check protector and a typewriter.

On November 3, 1982, the defendant, Bruce Allen Samuelson, was arrested in Kingman, Arizona, when it was determined the vehicle he was driving had been stolen from Classics Limited in Stockton, California, on October 23, 1982. Inside of the vehicle were items that had been taken when the offices of Paul E. Hermann had been burglarized.

Subsequently, a number of the checks taken during the burglary surfaced and were determined to have been forged. The checks were made payable to the defendant.

Samuelson was extradited to California. During questioning, he denied any involvement in the burglary which checks and a check protector were taken but admitted obtaining these items from a friend and subsequently passing a minimum of 13 to 14 checks with none of them issued for less than \$300.

COLLATERAL INFORMATION

On November 12, 1982, an Amended Complaint was filed in the Stockton Judicial District charging the defendant with one count of a violation of Section 10851 of the Vehicle Code, The Theft and Unlawful Driving or Taking of a Vehicle, a felony, (victim Classics Limited); Count II, a violation of Section 496 of the Penal Code, Receiving Stolen Property, a felony, (victim Classics Limited); Count III, a violation of Section 496 of the Penal Code, Receiving Stolen Property, a felony, (victim Paul Hermann); Count IV, a violation of Section 470 of the Penal Code, Forgery, a felony, (victim Bank of Stockton, Paul Hermann and Fry's); Count V, a violation of Section 470 of the Penal Code, Forgery, a felony, (victim Bank of Stockton, Paul Hermann and Food Bank); Count VI, a violation of Section 470 of the Penal Code, Forgery, a felony, (victim Bank of Stockton, Paul Hermann and Fry's).

On February 2, 1983, a preliminary examination was held. Thereafter, an Information was filed charging the defendant with one count of a violation of Section 10851 of the California Vehicle Code, The Theft

BRUCE ALLEN SAMUELSON

and Unlawful Driving or Taking of a Vehicle, two counts of a violation of Section 496 of the Penal Code, Receiving Stolen Property, and two counts of a violation of Section 470 of the Penal Code, Forgery, all felonies.

On April 11, 1983, the defendant pled guilty to one count of a violation of Section 10851 of the California Vehicle Code and one count of a violation of Section 470 of the Penal Code.

Pending Matters: According to the defendant, due to other forged checks he cashed during the time span issue of this presentence report, warrants have been issued for him out of Roseville, Sacramento and Modesto.

Indicated Judgment: The Minute Order in this matter dated April 11, 1983, reflects an indicated Judgment of three years, eight months in state prison stayed for five years; formal probation; one year county jail; restitution on all counts.

Time in Custody:

<u>Facility</u>	<u>From</u>	<u>To</u>	<u>Total</u>
San Joaquin County Jail	11-3-82	5-26-83	205 Days

DEFENDANT'S VERSION

The defendant was interviewed by the undersigned in the San Joaquin County Jail on May 10, 1983. At that time, it was decided he would prepare a written statement which now has been received by the undersigned and is appended for the Court's perusal.

The defendant has declined to supply the name of this family in order that they may be contacted for verification that funds really were given to them by the defendant. The Court may also wish to take note that nowhere in Samuelson's three page statement setting forth he committed his crimes only in the name of charity to a family befallen with financial hardships, does he indicate any compassion for the various human beings whom he victimized by his acts, leaving them with large financial losses.

BACKGROUND

This twenty-two-year-old defendant is a native of Glendale, California and the second oldest of four issue born to the marriage of Adrian Samuelson and the former Evelyn Bushor. The marriage remained intact from 1959 to 1964. About the time of Mrs. Samuelson's separation from the defendant's father, she committed herself to Camarillo State Hospital for 90 days, due to her inability to cope with reality at

BRUCE ALLEN SAMUELSON

that point. She then left the family. According to the defendant, he last saw his mother in 1963. To his knowledge, she currently lives in Appleton, Wisconsin, and is engaged in her fourth marriage.

After the defendant's parents divorced, his father took custody of the children. He was obliged to place them in a foster home for over a year, when he contracted a serious case of hepatitis. From 1969 to 1973, Samuelson's father was married to Angela Lynch. During the marriage, she was involved in an automobile accident which left her debilitated and unable to care for the children in the family, including her own two children. Shortly after this, she divorced the defendant's father.

Probation Department records reflect that the defendant's father abused alcohol and placed high expectations on the children, although he frequently was not around to supervise their activities. He currently is on probation to the undersigned for a violation of Section 242 of the Penal Code, Battery, a misdemeanor, (two counts).

Education: The defendant withdrew from Lincoln High School in Stockton, California, in 1977. He acquired a high school diploma which bears the school's name after completing the balance of his credits through O.H. Close School for Boys at the California Youth Authority. According to Samuelson, he received A's and B's while a student.

Samuelson also reported completing 48 units at San Joaquin Delta College locally, earning a 3.8 grade point average. While detained with the California Youth Authority, he reportedly earned a certificate in volume cooking.

Employment: Previous employment undertaken by the defendant was as a landscaper for Bill Laughlin, as a tractor driver for his father, as assistant head cook for Smorgy Boys in Stockton, as a laborer for Centurian Glass and he has been self employed in a glass business.

Financial: Samuelson did not report any assets. As debts, he indicated an amount owing for prescription glasses and financial obligations for the checks he has written.

Marital: The defendant did not report any marriages, common-law relationships, or children.

Military: Samuelson has had no previous military service.

BRUCE ALLEN SAMUELSON

Health: The defendant underwent elbow surgery in 1978 after an automobile accident and was re-injured several years later while playing basketball. He stated at the present time he is being given tylenol for back pain.

Psychological: Samuelson recalled that in 1976, he participated in family counseling for an approximate time span of two months with a counselor whose name he could not recall.

While involved with the Juvenile Justice System, the defendant indicated he was directed to attend counseling with Mary Sue Ittner.

Samuelson related he is desirous of engaging counseling services upon his next release. Jail Social Worker Jerry Heller will assist him with a referral.

Prior Probation Information: On November 4, 1981, after having entered guilty pleas to two counts of a violation of Section 459 of the Penal Code, Burglary In the Second Degree, a felony, Samuelson was placed on five years formal probation, after being rejected by the California Youth Authority. Both counts involved victim Paul Hermann, who is also a victim in the present offense.

The undersigned supervised Samuelson commencing in June 1982 upon his release from local incarceration. He was to report to the undersigned monthly in person and effect restitution in the amount of \$1,711.78. Samuelson failed to report in the months of July and August. He reported in September in response to a come-in letter. In October he telephoned and claimed he was going to be admitted to Stanford Medical Center for chemotherapy on two tumors. The following month, the defendant was in custody for the present matters. He failed to effect even one payment toward his restitution obligation.

Prior Parole Information: The defendant was placed on parole through the California Youth Authority October 2, 1979. At the time he committed the offenses for which he currently is being supervised by the San Joaquin County Probation Department, he was still on California Youth Authority parole. When the presentence report was prepared in his previous conviction, parole agent James Pickering had expressed the opinion Samuelson should be recommitted to the California Youth Authority as he may have a chance to avoid prison if he was cooperative with the programs offered by that agency. It was Pickering's opinion Samuelson was amenable to treatment.

As aforementioned, the California Youth Authority rejected Samuelson as a commitment. Their reason was an "extensive history of delinquent and criminal behavior dating back to 1972."

BRUCE ALLEN SAMUELSON

Statement of Victim: A reply received from Classics Limited reflected the following information. Their insurance company paid \$3,822.50, and Classics Limited suffered a loss of \$200. Further, the insurance company cancelled the policy. The cost to replace the policy with a new company because of the loss and three other losses increased the premium in the amount of \$8,000.

Victim Paul Hermann agreed to submit an itemized list of his losses on April 21, 1983. To date, it has not been received.

Remarking on the event, he noted this to be the third time Samuelson had victimized his establishment. The numerous checks recovered (from various business firms) were clients in the family of his management firm. He spoke adamantly of the trauma experienced in dealing with the victims in the forgeries and the banks. Check replacement was time-consuming, and stop payment orders caused endless problems with the banks.

In a contained and reasonable demeanor, Mr. Hermann suggested that society should be protected from this person by whatever means necessary.

Drug/Alcohol Use: The defendant reported no involvement with alcohol or illegal narcotics.

Prior Juvenile Record: Records of the San Joaquin County Probation Department reveal the defendant to be known to them as a juvenile offender as reflected on the appended sheet.

Prior Adult Record: Records of the California Bureau of Criminal Identification and Investigation and the San Joaquin County Probation Department reveal the defendant to be known to them as reflected on the attached sheet.

SUMMARY

The defendant was arrested in Kingman, Arizona, on November 3, 1982, in a vehicle that was determined to have been stolen from Classics Limited in Stockton, California. He had in his possession property taken from a recent burglary of a Stockton office building owned by Paul Hermann. Samuelson later forged numerous checks taken from the Hermann business.

EVALUATION

Samuelson has come into conflict with the law for the past ten years. Juvenile Court wardship, a commitment to the California Youth Authority and a grant of formal probation as an adult had no positive effect on his behavior, as he has continued to involve himself in criminality.

Although the Court has entered into a plea bargain and stated its intentions to place the defendant on formal probation, a grant of informal probation with a suspended state prison sentence will be recommended. With recent budget cuts within the Probation Department and the resulting loss of staff, it is felt formal supervision should be afforded to individuals who have not already proven themselves to have the established pattern of criminality that Samuelson does.

Circumstances in Aggravation:

Facts Relating to the Crime:

1. Multiple victims are involved;
2. By the defendant's own admission, the crime was planned.

Facts Relating to the Defendant:

1. The defendant's prior convictions as an adult total three, two of which are felonies, and his adjudications of commissions of crimes as a juvenile were numerous and of increasing seriousness;
2. The defendant was on probation when he committed the crime;
3. The defendant's prior performance on probation was unsatisfactory, as he failed to report on a regular basis and failed to effect restitution.

Circumstances in Mitigation:

Facts Relating to the Crime: None.

Facts Relating to the Defendant:

1. The defendant acknowledges his wrongdoing.

RECOMMENDATION

It is respectfully recommended the Court pronounce and suspend a state prison sentence and place the defendant on informal probation for a period of five years under the following terms and conditions:

1. That the defendant serve a period of incarceration in the San Joaquin County Jail commensurate with the Court's determination of the seriousness of this matter;
2. That the defendant effect restitution to the San Joaquin County Treasurer's Office in an amount and manner to be determined by the District Attorney's Office;
3. That the defendant submit to the following kinds of search and seizure, at any time of the day or night, by any peace officer or probation officer, without the requirement of probable cause or defendant's consent or a search warrant:
  - a. Of his person;
  - b. His place of residence or temporary abode;
  - c. Vehicle registered to him or which he is driving at the time;
  - d. His personal effects;

*John Carlson*

BRUCE ALLEN SAMUELSON

4. That during the term of his probation, the defendant will not possess any blank checks or maintain a checking account, *without prior approval of Probation Office*

Respectfully submitted,

WILLIAM L. JONES  
CHIEF PROBATION OFFICER

Approved by:

*R. H. Hurst*  
R. H. Hurst  
Probation Officer III  
Adult Division

*Vickie Hale Wetherell*  
Vickie Hale Wetherell  
Probation Officer II  
Adult Division

ah

May 20, 1983

Read and considered:

DATED:

JUDGE OF THE SUPERIOR COURT



# SAN JOAQUIN COUNTY PROBATION DEPARTMENT

## PRIOR RECORD

BRUCE ALLEN SAMUELSON

DATE CT.#	ARRESTING AGENCY	CHARGE	DISPOSITION
3-22-81 M-89623	PD STOCKTON	484 PC 459 PC 459 PC 272 PC 272 PC	4-17-81: NO CONTEST, 484 PC, MISD., 180 DS/150 DS JL SS 3 YRS W/O SUPERV; OAK (1ST MISD.)

Defendant Samuelson, aged twenty, was in the company of a thirteen-year-old male and a seventeen-year-old male. Together, they entered the New Deal Market at 5757 North Pacific Avenue in Stockton and placed a variety of items, including four condoms, into several shopping bags. Upon leaving the store without paying for the items, they were apprehended by security personnel. Defendant Samuelson told Stockton Police that he lost his job and was feeling bored. He was living at a half-way house of the California Youth Authority in Stockton and was a "foster brother" to the thirteen-year-old male.

5-28-81 32310	PD STOCKTON	459 PC 4 CTS.	7-29-81: PG TWO CTS. 459 PC, SEC. DEG, TWO CTS. DISM IN VIEW OF PLEA; 11-4-81: FIVE YRS FORM. PROB. 365 DS JL, RSTN. (1ST AND 2ND FELONIES)
------------------	----------------	------------------	--

During the weekends prior to May 18, 1981 and May 25, 1981, the defendant admittedly burglarized the businesses of Paul Hermann, taking blank checks which he forged and cashed at several super-markets.

## Defendant's Version:

That between 10-28-82 & 11-03-82, I went to various stores, financial institutions, etc. throughout Stockton, Modesto, Sacramento, Roseville, Reno, Lake Tahoe, & Carson City, cashing forged checks ranging from \$175<sup>00</sup> - \$9800<sup>00</sup>, using different reasons for; escalating amounts; work/residence difference of location; type of work done by Co.'s.

At the time, I was laid off by my employer, and as a result formed my own Co. to retaliate against him for his unfair labor practices. As with any new business, struggle (financial) & lack of business set in.

During this period, there was also a family who I am very close to, that was denied welfare, even though the man of the house had been laid off, & his wife was only making \$1200<sup>00</sup> every two weeks. They have 3 children who are more like sisters & a brother, than my own sisters & brother.

I did not like the decision given them from Soc. Serv. (welfare) because it was not fair. If he (the father) had never worked, or was a criminal, I could understand it, maybe. But to deprive the whole family, was immoral & unnecessary.

So, I took it upon myself to obtain money for groceries, & bills. I don't feel that it's right to let someone continually borrow money from her employer, so she can buy milk, ground beef, bread, & eggs, when other's get fat welfare checks that pay for their drug/alcohol habits. This family is a very Christian oriented / lifestyle, family. They knew nothing of where or how I was securing the money & groceries. When asked, I lied & told them it was from working on cars, for friends. If I had told the truth, they would still be fighting a losing battle. I helped paint another house (managed by the same Co., as theirs) so they would not be evicted.

Since the bureaucrats of S.I.Co. & the State of California, decided that, prior to unemployment of the

husband, the family was doing "ok", therefore justifying the denial of Welfare, Medi-Cal, or any assistance to a family that was in need, I took it upon myself to do it.

After 4 months of incarceration, I told this family what I had done. Even though it was wrong, they understood we've talked about it, and I know I should have, if I wanted to help so much, gone to the bank & got a loan.

My last conviction was from basically the same crime (burg, but forgeries from within) but nobody ever knew why I did that. Well, it was for the same family, the same reasons, almost, as follows.

I love  
been all,  
very much,  
would do  
anything for  
them!  
One thing. This family helped me tremendously upon my release from C. & A., & I felt somewhat responsible to help them out, since ~~no~~ no one else would. I let my emotions control my anger & chose to act irrational, so to speak. Legally, I was wrong, morally, I strongly believe I was right!

Given the same situation, I would choose a more appropriate alternative in lieu of stealing/forging checks. I will be involved in psychological counseling during my stay in jail, & after my release. I feel this is essential to my remaining a free man. I have some very deep-rooted emotional problems that I am finally releasing through counseling sessions. I never have trusted any "mental-professional" until I met the Social Worker at the S.I. Jail. We can talk in a way that is beneficial, instead of degrading, to me.

No psychologist, sociologist, etc. can tell any person more about himself, than that person allows the counselor to know. That's why I never trusted any "professional" until I met Terry. Everyone else was telling me what was wrong, on very limited information, using the excuse-reasoning that they are experts. That is bullshit, & will always remain that

way to me. Jerry listens to everything and makes suggestions, constructive criticisms, & ~~some~~ solid advice. No man can or ever will, be able to "tell" another person anything, & really expect them to understand & respond in a positive manner, especially classifying or stereotyping him.

As one expert classified me, I'm "above average intelligence, with a lack of impulse control." That could very well be true, and most likely is, but that is for me to look at and decide how can a man who has "only" "known" me for less than two hours, tell me what kind or type of person I am? That's like me walking up to someone in a classroom, watch them & talk to them for awhile, and tell them "you're smart, but you can't be a base ball player!" How do I know? Because I've been given a piece of paper saying I'm a doctor? No, I can't tell anybody anything about what they are, and neither can any one else. If they think they can because another person said they can, because they're an expert, they're full of shit, plain & simple.

I know what's wrong with me and I've decided to change that. With my choice, I will not return to the custody of anyone. Giving someone custody of another means they are responsible for that person's care, mental & physical. No institution cares about anyone, except for a few of the staff members. Why should I turn my life over to the custody/care of someone who doesn't care? This is a question I've looked at & answered.

David

Samuelson

14 May 1983

## **Exhibit 9**

### **Declaration of Sabrina Samuelson**

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1. I am the daughter of Bruce Samuelson, Sr. I have a full time job as a hairstylist and as the manager of a beauty salon. It is my wish that by preparing this declaration, Michael Morales will not be put to death. I have followed Michael Morales's case in the news, and I have read court documents, including a letter written by the judge who sentenced Mr. Morales to death, and who said that my father's testimony against Mr. Morales put Mr. Morales on death row instead of behind bars for the rest of his life. I also read on the internet that jurors agreed with the judge. Knowing that, I feel I have a duty and obligation to come forward and inform the Court and the Governor that my father is a deceitful, manipulative liar who has physically, emotionally and financially damaged just about everyone who has come to trust him. I state this as his child and a survivor of his violence and deceit. As his daughter, I urge you to consider the information before you about my father, and revisit Mr. Morales's death sentence. My father is a charismatic and manipulative man, and has always prided himself on getting away with just about everything he does. To think that he, through his false testimony, will cause the State of California to execute a man sickens me, not only because it is wrong, but also because I know it will continue to encourage him to wreak havoc on other people's lives.

28

### Declaration of Sabrina Samuelson

1 time, my father used duct tape to bind me to my brother together and then placed us in a playpen all  
2 day. Another time, my father tied my brother-who was three or four years old- with chord and threw  
3 him into a closet over night. My father also beat my mother, my two brothers, and my half sister and  
4 step brother and step sister. It was not at all unusual at our dinner table for my father to start  
5 throwing and breaking all of the dishes and glassware, that is the kind of person he is.

6 4. As I got older and removed myself from my father's presence, he terrorized me in  
7 other ways. He called me on the phone and told me he was going to kill my mother, and that I was  
8 going to wake up in the morning and find my mother in a coffin. Other times he called me and  
9 threatened to kill himself if I did not maintain a relationship with him. He claimed he was sick of  
10 dealing with my mother and tired of fighting for his children who had been brainwashed, so he was  
11 going to kill himself.

12 5. Along with being physically violent, my father was also a sexual predator who liked  
13 young girls. I am sure there are enough victims of his who can speak for themselves. I will talk  
14 about the one I actually saw. When our family was living in Glendale, Arizona, my brothers and I  
15 were being babysat by a thirteen year old girl. After playing outside, I went back into the apartment  
16 to look for my father. I found him in the bedroom in his bed. He had a sheet over his legs and was  
17 shirtless. The babysitter was leaning over him. Her blouse was off, and she was wearing just a bra.

18 6. My father has left a trail of embezzlement victims from Idaho to Oregon to California  
19 to Arizona to Washington. When we were growing up, my father moved us constantly. He moved us  
20 from apartment to house to townhouse within cities and between Oregon, California, Idaho, Arizona,  
21 and Washington. As I grew older, I realized we were moving often because he was running from  
22 businesses and people he was stealing from.

23 7. My father stole from his own children. When we were young, my father got us social  
24 security cards. In 1990 and again recently, he used my brother's social security number to obtain  
25 credit cards and ran up huge debts. Now, my brother is having problems with the bank because my  
26 father took my brother's identity and destroyed my brother's credit.

27 8. My father is a very manipulative con man who gets away with everything he does.  
28 Today, after his lengthy history of stealing from people and businesses and cheating banks, he is a

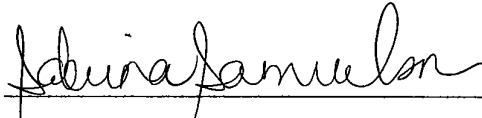


1 licensed notary public, a process server, and has the authority to obtain people's financial information  
2 to run credit checks for tenant applications as well as for other reasons.

3 9. I ask that you give this declaration consideration. My father is a violent, persuasive,  
4 and vindictive man. I may pay dearly for bringing this information to your attention, but I hope it  
5 will help you see that no one should be executed on the word of my father.

6 I declare under the penalty of perjury under the laws of the State of California and the United  
7 States of America that the foregoing is true and correct.

8 Executed this 9<sup>th</sup> day of February, 2006.

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10   
11 SABRINA SAMUELSON  
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**Exhibit 10**

**Declaration of Sarah Samuelson**

## DECLARATION OF SARAH SAMUELSON

I, Sarah Samuelson, declare as follows:

1. I was married to Bruce Alan Samuelson, Sr., from 1984 until I divorced him in 1994. I am mother to three of his children: Sabrina, Bruce, Jr., and Kyle. I have personal knowledge of Bruce's extensive history of deceit, physical violence, theft, drug use and dealing, and sexually predatory behavior. When I left Bruce, I moved across the country to get as far away as possible from him. I a

m aware that Bruce testified against Michael Morales in the early 1980s. Based on my personal experience with Bruce, I know that his word should not be trusted when someone's life is at stake. It is for that reason that I am providing the information contained in this declaration.

2. I first met Bruce in 1983. I was a seventeen year old high school student in Idaho Falls, Idaho. Bruce was twenty-three, was my substitute teacher, and made advances towards me. I found him to be charming, so I went out with him. Bruce said he moved to Idaho to help his foster family and to teach. Even though he had only a high school diploma, he said that was all that was required to substitute teach in Idaho. When I found out I was pregnant, we got married in Idaho.

3. Bruce started beating me shortly after we were married. I was pregnant with our oldest child. I found out that Bruce had proposed to and presented an engagement ring to another woman in town. When I confronted Bruce about this, he first denied it, then told me it was none of my business. As he was screaming at me, he started punching me and threw me until I hit the floor. He then kicked me directly in the stomach, knowing I was pregnant. I was terrified and in a lot of pain. Bruce later apologized, but continued to beat me throughout our marriage. Seven weeks before I was to give birth to our oldest son Bruce beat me so badly that I was hospitalized. I went into labor six days later and gave birth to our first son was six weeks premature. My doctor blamed the beating for the premature birth. Bruce was arrested and spent the



night in jail. As our children were born, he beat them as well. When our oldest son was just four years old, Bruce tied him up with chord and threw him into a closet for hours. By the time he started abusing our children, I was so beaten down and controlled by him that even when I tried to get away from him, I took him back when he came after us until about 1995. Bruce used to punch me and the children using his closed fist. He slapped us, kicked us, threw us across rooms, and locked us in rooms for hours at a time. He used to beat the children using both ends of his belt.

4. I always blamed Bruce's violent mood swings and unpredictable behavior on his drug use. After we married, I discovered that Bruce used cocaine and methamphetamine. I had never been around drugs before, and they scared me. I tried as hard as I could to keep the kids away from the drugs. The one success I did have in influencing Bruce's behavior is when I told him to stop dealing drugs in our home in Oregon in front of the children. Bruce had a diabetic scale he used to weigh his drugs. One time I saw the scale in our living room. It had white powder on it, and there baggies full of white powder on the table around the scale. I was angry and scared enough that I asked Bruce not to leave his drug equipment where the children would see it. He agreed, and over the next several years, I saw him using drugs only about eight times.

5. Very soon after we married, I learned that Bruce had an extensive sexual history with women, and continued to sleep with many women and harass adolescent girls throughout our marriage. Bruce bragged about the women and girls he slept with, and did not express the opinion that it was wrong to have sex with girls younger than eighteen years old. Bruce bragged about having sex with one of his sisters. He bragged about her wanting him, then going crazy and saying she was raped. Bruce also bragged about a time when he was a teenager, he and a friend of his were in the process of stealing a car – something they did often – when a good looking young women came across them. She accused Bruce and his friend of raping her, but the charges were

dropped when he was sent to jail for the car theft.

6. Every time Bruce bragged about his sexual escapades, he spoke as though the women he was bothering enjoyed it. When we were doing telemarketing for the Special Olympics, Bruce got our company in trouble for making lewd phone calls to women he was soliciting. The last straw was when he harassed a pregnant woman by telling her he liked to have sex with pregnant women because he could feel the baby move. The incident was reported to the Better Business Bureau. Bruce did not find anything wrong with this behavior. When we lived in Glendale, Arizona, our daughter saw him behaving inappropriately with the babysitter in our bedroom. When I confronted Bruce, Bruce said that the girl was interested in him, but that he was not interested. Bruce always had a way of minimizing his involvement in things he should not be doing, and blaming other people. In this case, as in others, he blamed the babysitter for having a crush on him.

7. I finally left Bruce and took the children away when I had undisputed proof that Bruce was carrying on with the fourteen year old girl who he hired to work with him in the Yakima, WA, office doing phone solicitations. In 1993, while Bruce was in trouble with the law in Idaho, I found a letter written from the girl to him that talked about their sexual interactions. When I confronted Bruce, he told me that she was obsessed with him and nothing happened. I left and took the children to the Midwest.

8. During our marriage, we moved a lot. Bruce said he had to move because of his job, I soon found out it was because he never paid rent, defrauded banks, embezzled from employers, and so was constantly on the run. We moved between California, Idaho, Washington, Oregon, and Arizona. After Bruce got in trouble at a job in Idaho Falls, he moved us to Stockton, California. We moved into a townhouse. Bruce took jobs at convenience stores. Bruce and his friends used to steal cases of beer and pop from the stores and bring them over to our house. Bruce and a friend named

John also used to steal the carbons of credit cards and use the information on the carbon to order merchandise over the phone, which was then shipped to our home. After a while, Bruce said we had to leave the townhouse. He had failed to pay rent for several months, so he put us in hiding. Bruce also may have been in trouble because he may have been seen doing his favorite thing, which was going around Stockton smashing out the windows of businesses with a slingshot and marbles. Bruce moved us into a vacant, condemned structure with no electricity or telephone. It was out in the middle of nowhere, at the end of Eight Mile Road. I had just had our second child. Bruce abandoned me there for several days. I had no food and finally left the building and called my family. My father and sister came and moved me back to Idaho Falls. Our oldest son was six weeks old.

9. A few months later, Bruce showed up in Idaho Falls and got a job working at Fred Meyer. A credit card arrived in the mail for the people who were living in our home before we arrived, and Bruce used the credit card until charges were filed. Bruce ran away to Oregon, and I took responsibility for the credit card fraud. I paid full restitution.

10. Bruce and I reconciled and lived in Oregon. While in Oregon, Bruce traveled throughout Oregon and other states conducting business. At some point, Bruce decided he wanted us to live in Arizona. He took our van to Arizona. While there, the van broke down. Instead of getting it fixed, Bruce reported the van stolen. The insurance company caught him in fraud, Bruce did not collect on the claim, and the van was impounded. Bruce ended up paying a fine.

11. In about 1990, Bruce got the children's social security cards, signed them, and started using his oldest son Bruce's social security number to obtain credit cards, including First Interstate Bank, JC Penney, Meier and Frank, Sears, and Montgomery Ward. Bruce ran up a debt of about \$10,000 using a credit card issued to his son, who was three years old.

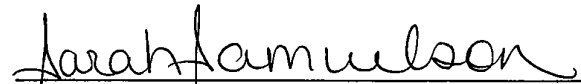
12. In late 1991 or early 1992, Bruce was fired from Jadent, Inc., for embezzlement. This was especially humiliating because I also worked there, and our job was to solicit money for the Special Olympics, which I believe is an incredibly good cause. I continued working and supported us. Around this time, Bruce was seeing his current wife, Connie. I was pregnant with our third child, and Connie was pregnant with their first child. We had moved to Arizona.

13. While living with us in Arizona, Bruce took a job at Mega Foods. Bruce claimed he was robbed at gunpoint, and reported that over a thousand dollars was taken. Bruce was the only witness, and the tapes from the security cameras had been removed. The store manager was suspicious. Bruce drained our bank account, the children's accounts, took our only car, and fled to Vancouver, Washington. I moved the children back to Idaho Falls to be near my family. Sometime soon after, in 1993, Bruce found us in Idaho Falls. I agreed to have contact with him, but asked that he stay in Boise, Idaho, rather than move in with us in Idaho Falls. Bruce took a job with Flying J convenience store. This time, when he got caught stealing, the manager pursued charges against Bruce, and Bruce went to prison for a short time. Somehow, Bruce was able to get a deal where he spent very little time in prison. It was during that time that I took the children and moved to Illinois. When Bruce got out of prison he moved in with his new girlfriend and their baby in Vancouver, Washington.

14. In November of 1994, Bruce called me from Bloomington, Illinois, and convinced me that he wanted to be a family again. I picked him up and took him in. I soon found out that he had fled his parole after being arrested for beating Connie and writing bounced checks. I sent Bruce away, and he went back to Washington.

15. Although our life is much better with Bruce gone, my family still struggles with him. Most recently, our oldest son has been in trouble with a bank because his father used our son's credit card, ran up over a thousand dollars in charges, then did not pay the credit card. His father denied doing this. When Bruce is accused

The foregoing is true and correct and executed under penalty of perjury under the laws of the United States and the State of California on February 9<sup>th</sup>, 2006.

  
SARAH SAMUELSON

**Exhibit 11**

**Declaration of Bruce Samuelson, Jr.**



## **DECLARATION OF BRUCE SAMUELSON, JR.**

I, Bruce Samuelson, Jr., declare as follows:

1. I am the son of Bruce Alan Samuelson, Sr. I live in Clinton, Illinois and work full time as a food preparer in a restaurant in town. I began working part time this summer while finishing my high school education. After graduating from high school I began working full time. I am no longer in contact with my father. I am preparing this declaration because I have read on the internet about my father's involvement in the prosecution's case against Mr. Morales, and I know my father to be a manipulative, deceitful, liar. I find it appalling that a man may be put to death because of my father's lies and manipulations.

2. My father has gotten away with all the bad he has done his entire life. When I was growing up, my father beat my mother in front of my sister, brother and me, and he beat us. He beat us pretty constantly and pretty severely. He used both ends of the belts, and often left welts and bruises on our bodies. He terrorized us by locking us in small spaces for hours at a time and by threatening to kill our mother. Not only did my father beat us -- his own children -- he raped women and took advantage of underage girls.

3. He stole not from people who trust him and from his own children. When I was sixteen years old, I got a job after school working at Safeway. Because I was not yet an adult, I opened a shared account with my father. For a year and a half, I earned about \$250 every week. Of that, I kept \$50 for spending money, and put the rest in the bank. My father took all but about \$400 from my account. He told me he bought stock with it, but I have never seen any evidence of any stock purchase, and have no reason to believe him.

4. My father is a very vindictive and dangerous man. When backed against a wall, he will go far to ruin people's lives. When I continued to confront my father about the money he had stolen from me, my father told his family that I had molested my half sister, and also his wife's ex husband's niece. He brought me to some friends of his who were police officers, who yelled at me. My father worships his relationships with police officers, and uses those relationships to maintain power over other people. When I refused to back down and continued to demand my money, my father kicked me out of the house. I was three months shy of my 18<sup>th</sup> birthday. I had nowhere to go, I had no money, so I ended up living in appalling conditions until my mother and sister came out to get me.

5. Around the same time my father kicked me out of his house, he got hold of my Wells Fargo credit card, and ran up a credit card debt of about \$1, 200.00. Although I filed a fraud report and I believed I could prove that my father is the one who used the card, I have become like many of his victims, and would rather settle with the bank and put this mess behind me. Many of the charges made to the credit card were at establishments in Tacoma and Lonview, Washington, and Portland, Oregon, cities my father frequents. At the time the charges were made, I did not have a driver's license and had no way to get to these places.

6. I believe another reason my father accused me of molesting family members is because he no longer had the kind of control he had over me that he had when I was younger. A few months before I found out he had stolen my money, I stopped letting my father beat me up, and started fighting back. During the last fight I had with my father, he punched me in the face, causing blood to come pouring out. He convinced me it was my fault because he was only pretending to punch me to make me flinch, and I

had run into his fist. For the first time, I recognized his manipulation, and confronted him. This enraged my father because there were younger children in the house who saw me stand up to him. My father relied on fear and the threat of violence to control everyone in the house and my lack of fear threatened his domination.

7. When I was thirteen years old, after living with my mother alone for several years, my father was finally forced to pay child support. In retaliation, he got custody of me, and forced my mother to pay him support. I lived with him for five and a half years. Although initially excited to live with him because he had charmed me and I thought maybe he had changed, it fairly quickly became as ugly and unbearable as when I lived with him before my mother left him. During that time, he beat me regularly and the other children as well. He punched me, kicked me, and humiliated me in front of the other children. He played the children against each other, telling my half sister I called her retarded and other such nonsense. He isolated us as well. My father had my half sister so much in fear that now when things are upsetting to her, she puts herself into the dog house.

8. My father has several effective ways of dealing with accusations against him. Usually, when he is absolutely caught doing something, he takes the Good Samaritan approach. For example, he explains that he took money only to help a loved one in need, or that he took a car only to get someone to the hospital. Other times, he is able to convince whomever he has wronged that it was a simple misunderstanding, that there was an agreement that had been misunderstood. Other times, he acts like a victim. When he withdrew money from my savings account, he acted very hurt and told me he used the money to buy stock certificates in my name. When he punched me in the face, he accused me of running into his fist. When he was thrown in jail for beating up his

wife, he told everyone he was thrown in jail because he left the my sister in the house without him being there, and my mother called the police on him. Other times, such as the times my father has been accused of sexual molestation, he comes back at an accuser with far worse accusations.

9. My father has a long history of taking advantage of people and getting away with it. I am continually amazed by the breaks my father gets in life. While I was living with him, my father was fired from Accounts Receivable for sexual harassment. After he was fired, the same people hired him to become a process server of a sister company, and then allowed him to buy the company. He also got in trouble at Wilshire, Inc., for sexually harassing co workers.

10. Despite my father's long history of embezzling businesses and stealing people's credit information, his current job is to obtain people's credit histories using their financial information. He also is a licensed notary public, meaning he is responsible for verifying that documents are not falsified.

11. I had absolutely nothing to gain from providing this information. I have no reason to believe that my father will ever be held accountable for all of the wrong he has done and continues to do. I only ask that you consider my father's total lack of credibility when deciding whether a man should live or die.

I declare under the penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct and was executed on February 10, 2006.

  
\_\_\_\_\_  
BRUCE SAMUELSON, JR.

## **Exhibit 12**

### **Declaration of Paul Hermann**

### **DECLARATION OF PAUL H. HERMANN, JR.**

1. I am a licensed real estate broker. Between 1974 and my retirement last year, I worked in the commercial real estate business and maintained a family business in Stockton, California, with my mother and father. It was in connection with our family business that I came into contact with Bruce Samuelson.
2. Mr. Samuelson burglarized our real estate office at least three times over the course of two years. In May of 1981, Mr. Samuelson broke into our office by breaking a window, stole between ten and fifteen checks, and used our typewriter and check protector to make checks payable to him in amounts small enough to be cashed by retail stores.
3. At the time, I noted that Mr. Samuelson was a sophisticated thief. He stole checks from the middle of the stack rather than from the top, he used the office typewriter to type his name on the stolen checks, and he wrote checks of varying amounts, never exceeding the amount retail stores cashed without verifying the validity of the check. Mr. Samuelson then cashed the checks at retail stores throughout the Stockton area. When caught, Mr. Samuelson denied breaking into our office and admitted only to accepting the stolen checks from a friend. We knew this to be a lie because my mother was able to identify Mr. Samuelson as the perpetrator when she found the evidence of his name imprinted on the type writer ribbon.
4. After he was convicted, Mr. Samuelson wrote a letter of apology. In the letter he talked about being in school. He blamed his behavior on the lack of employment opportunities for young men. He asked me to give him a job. I declined. Mr. Samuelson also came into the office to apologize and request a job. Again, I declined.
5. About a year later, Mr. Samuelson broke into our office two more times. He slid the

glass of an office window out of its frame. In addition to stealing checks, Mr. Samuelson stole our check protector. He proceeded to cash checks both in state and out of state. Eventually, Mr. Samuelson was arrested in Arizona in a car he stole from Stockton. In the car were our checks and check protector. I was asked to provide a statement regarding our losses.

6. I informed the probation officer that Mr. Samuelson had victimized our establishment three times, that the aggravation to our clients and to my family was significant, and I spoke adamantly of the trauma I experienced in dealing with the banks and the victims of the forgeries. I specifically informed the probation officer that society should be protected from Mr. Samuelson by whatever means necessary.

7. At the time I informed Mr. Samuelson's probation officer that I believed society should be protected from Mr. Samuelson, I was not aware that the San Joaquin County District Attorney cut a deal to give favors to Mr. Samuelson in exchange for his testimony against Michael Morales. I find this conduct irresponsible, and had I known, I would have protested.

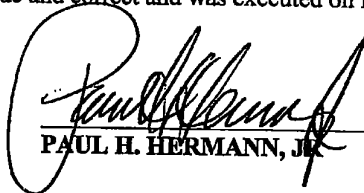
8. Had I been contacted about Mr. Samuelson, I would have been available to testify based on my family's unfortunate and extensive experience with Mr. Samuelson, that any information provided by Mr. Samuelson had no credibility and was not to be relied upon or trusted. I would have testified that my experience of Mr. Samuelson was that he was a liar and manipulator who would deceive anyone to get ahead without regard to the consequences.

9. At the time of Michael Morales's trial, my parents were alive, and were available to provide the information contained in this declaration.

10. Recently, I have been made aware that Mr. Samuelson owns a legal services company, is a licensed notary public and a registered process server. According to Mr. Samuelson's website, Mr. Samuelson performs criminal background checks and runs credit reports. That Mr.

Samuelson has access to the financial and identifying information of private individuals is in part the fault of the Office of the San Joaquin District Attorney. Both Mr. Samuelson's current conduct and the conduct of the District Attorney in this matter should be investigated.

I declare under the penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct and was executed on February 6, 2006.

  
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PAUL H. HERMANN, JR.



**Exhibit 13**

**District Attorney Investigation Report by Lee Copeland re  
Polygraph**

OFFICE OF  
DISTRICT ATTORNEY  
COUNTY OF SAN JOAQUIN

FEB 10 1983

*Craig Holmes*  
*Prov Morales* BUREAU OF  
INVESTIGATION

DETAILS ☐ SUPPLEMENT ☐ INFO REC. ☒

Bruce Alan Samuelson	TYPE OF CASE Murder (Polygraph/Witness)	FILE NO 83-55
		LEGAL NO.

Referring to Stockton Police Department Report #81-732, wherein a White female subject by the name of Terri Winchell was murdered and left in an orchard in Lodi.

On February 7, 1983, Deputy District Attorney Bernard Garber requested a polygraph examination be conducted on above subject Bruce Alan Samuelson, who claimed that while incarcerated in the San Joaquin County Jail that one of the defendants in the murder of Terri Winchell by the name of Michael Morales had made a complete confession to him. He was willing to testify in this matter and approached the investigating officers and Deputy District Attorney Garber. Details of the investigation and Court proceedings will not be repeated in this polygraph examination report but can be obtained from the Stockton Police Department report mentioned above.

On February 8, 1983, at 9:30 a.m., the subject Samuelson was brought to the District Attorney's Office for the purpose of a polygraph examination by the Stockton Police Department. He was taken into the polygraph room and the questions were formulated that would be used on the test.

Question #33: Are you lying when you say Morales told you about killing Terri?

Answer: No.

Question #35: Did you get the information about Terri's killing from a source

DATE TYPED 2/8/83	INDEXED BY: jc	INVESTIGATOR: Lee Copeland
APPROVED BY:	PAGE 1	COPIES TO: DDA Garber, Sgt. Sanford, SPD
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*7-8-83*

*72*

OFFICE OF  
DISTRICT ATTORNEY  
COUNTY OF SAN JOAQUIN

BUREAU OF  
INVESTIGATION

DETAILS ☐ SUPPLEMENT ☐ INFO. REC. ☒

Bruce Alan Samuelson	TYPE OF CASE Murder (Polygraph/Witness)	FILE NO. 83-55
		LEGAL NO.:

than Morales?

Answer: No.

The test was conducted on the District Attorney's 4-Channel Stoelting Polygraph Instrument utilizing the Backster Zone of Comparison Test Technique. The test was repeated three times and upon study of the charts from the test, it is my opinion that the subject was being truthful; that he did obtain the information that he gave in a supplement to the Stockton Police Department from Morales himself and did not get it from any other source.

Verbal report given to Sgt. Sanford, Stockton Police Department, and also Deputy District Attorney Garber.

A copy of the information given to the Stockton Police Department, the original question sheet, polygrams, and notes made at the time of the polygraph are on file in the investigative section of the District Attorney's Office.

PREPARED BY:	DATE TYPED: 2/8/83	INDEXED BY: jc	INVESTIGATOR: Lee Copeland
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2-88

**Exhibit 14**

**Confidential Report by Francis M. Connolly – January 24,  
1994**

FRANCIS M. CONNOLLY

CERTIFIED POLYGRAPH EXAMINER

POST OFFICE BOX 1841

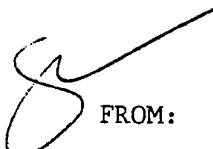
MONTEREY, CALIFORNIA 93942

408/647-1612

January 24, 1994

CONFIDENTIAL REPORT

TO: T. Scarlett Nerad



FROM: Francis M. Connolly  
Certified Polygraphist

RE: Michael Morales v. Vasquez, 89-525-CP

---

By letter dated January 12, 1994, you requested I analyze materials relating to a polygraph examination administered to Bruce Allan Samuelson on February 8, 1983, relative to the truthfulness of his statement that Morales confessed to him that he killed "Terry". With your letter, you forwarded copies of the question sheet used and the charts produced during this examination. The identity of the polygraph examiner is not revealed in the materials submitted.

Based on my analysis, I offer the following observations:

The examination conducted in this matter was a standard "Bi-Zone" Zone Comparison Technique (ZCT) test, using two relevant questions and two control questions, interspersed with other questions. The relevant questions used are numbered 33 and 35. The control questions are designated as 46 and 47. The other questions used are known as irrelevant (shown as 13, 14 and 15), sacrifice relevant (shown as 39) and symptomatic (shown as 25 and 26).

Concepts of polygraph testing include what is referred to in the literature as "Psychological Set". All this means is that a person's fears, anxieties and apprehensions are channeled toward the situation which holds the greatest immediate threat to his self preservation or general well being. He tunes in that which indicates trouble or danger by having his sense organs and attention tuned for a particular stimulus, and tunes out that which is of a lesser threat to his self preservation or general well being.

The polygraph test is designed to pose a threat to the security of the examinee, regardless of his innocence or guilt and force him to focus his attention on specific questions in the test structure. In the Zone Comparison Test, a structured format is followed, with all test questions being reviewed with the examinee, prior to his being attached to the polygraph instrument via the three components, which are designed to monitor and record on the charts his respiratory patterns, his galvanic skin response and his cardiovascular activity.

The relevant questions in the polygraph test are designed to pose a threat to the security of the lying or guilty examinee, and to force him to focus his attention upon the relevant questions. The control questions are designed to pose a threat to the security of the truth teller or innocent examinee and force him to focus his attention on the control questions. The theory behind the control question is not revealed to the examinee; however, he is informed as to the importance of their use in the test.

Only the relevant and control questions are evaluated to allow the examiner to reach a conclusion as to whether the examinee's psychophysiological responses indicate deception or do not indicate any deception. The evaluation is made by comparing the responses seen at the control questions with the responses observed at the nearby relevant questions. Greater response at the relevant questions, of course, indicates deception; whereas, greater response to the control questions is indicative of no deception.

My analysis of the polygraph charts in this case includes standard numerical scoring applied to the psycho-physiological tracings appearing on those charts. Responses to the relevant questions were compared with the responses to the control questions for each of the three components, i.e. respiratory patterns, galvanic skin response and cardiovascular activity. In this case, two relevant questions were compared with two control questions, so there were six comparisons made on one chart. As the test was administered three times, a total of eighteen comparisons were available on the three charts. For each comparison a 7 point scale is employed, with values on a continuum from +3 to -3. The positive or + end of the scale indicates truthfulness, 0 denotes no decision, and the negative or - end indicates deception. The final decision is made by totaling the scores on the charts.

To make a determination the examinee is deceptive in the Bi-Zone examination, there must be a score of -3 or greater in either "spot" (total of scores comparing one relevant with nearby control on all three charts). Deception can be determined if there is a grand total of -4 for both "spots". To make a determination the examinee is being truthful to the relevant questions, there must be a showing of + in both spots, as well as a grand total of +4 or greater overall. Any evaluation between deceptive and not deceptive is characterized as Inconclusive.

I applied the above numerical evaluation to the charts for this examination. Total score on the three charts for the "spot" as related to relevant question 33 is +1. Total score on the three charts for the "spot" related to relevant question 35 is -3. In view of the fact that the "spot" for question 35 totaled -3, the test conclusion is **DECEPTION INDICATED**, notwithstanding that a +1 is scored at question 33. The preponderant indicator leads me to the conclude Samuelson was untruthful when he claimed he did not get the information about Terry's killing from a source other than Morales. Accordingly, in view of only a +1 score for question 33, it cannot be concluded Samuelson was truthful when he said he was not lying when he said Morales told him about killing Terry.

I will retain all documentation in this matter and will be available for further consultation, if necessary.

**FRANCIS M. CONNOLLY**

CERTIFIED POLYGRAPH EXAMINER

POST OFFICE BOX 1841

MONTEREY, CALIFORNIA 93942

408/647-1612

Education - Honors:

BA Degree in Humanities, Saint Anselm College,  
Manchester, New Hampshire, June, 1951.

BA Degree was "Summa Cum Laude" (Highest Honors).  
Selected for "Who's Who Among Students in American  
Colleges and Universities, 1950-1951".

Investigative Qualifications:

Served as a Special Agent with the Federal Bureau of  
Investigation (FBI) from 1951 to 1980. Assignments  
included Intelligence Analyst, Criminal Investigator,  
and Interrogation Specialist-Polygraph Examiner. Was  
selected by FBI and U.S. Department of Justice for  
special polygraph assignments throughout the United  
States and overseas. Following retirement from the  
FBI, served as Polygraph Examiner in the District  
Attorney's Office, Monterey, California, conducting  
examinations for prosecutors, public defenders, and  
all law enforcement agencies in Monterey County.

Polygraph Training:

Basic courses were completed at the U.S. Army School  
(Now the Defense Polygraph Institute) and the FBI  
Academy. Advanced courses were completed at the FBI  
Academy and the Backster School, San Diego, CA. Have  
attended training seminars sponsored by the Federal  
Inter-Agency Conference, the American Polygraph Asso.  
(APA) and the California Association of Polygraph  
Examiners (CAPE) on a regular basis to qualify for  
continued certification and license.

Polygraph Experience:

Have administered in excess of 2500 examinations, all  
being specific issue criminal, national security or  
foreign counter-intelligence matters. Have lectured  
on polygraph theory and procedure at the FBI Academy,  
at area colleges and law schools and at seminars. Am  
qualified as an Expert Witness in Federal and State  
Courts in Arizona, California, Hawaii and New Mexico.

Professional Affiliations:

California Association of Polygraph Examiners (CAPE) -  
Member, 1974 - Present; President, 1987-1988.  
American Polygraph Association (APA) -  
Member, 1977 - Present; Regional Inspector, 1983-1986,  
Regional Director, 1986-1991, National Co-Chairman,  
1991 for Polygraph Training Accreditation.



**Exhibit 15**

**Excerpts from Transcript of Interview of Bruce Samuelson –  
August 4, 1993**

INTERVIEW OF BRUCE SAMUELSON

By: Keith H. Borjon and  
Ed Leonard

Date: August 4, 1993 (taped interview)

B for Borjon (in Los Angeles)  
L for Leonard (in Sacramento)  
S for Samuelson (in Idaho)

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L: The date is 8/4/93, and we're in a conference call with Deputy Attorney General Keith Borjon, Agent Ed Leonard, and Bruce Samuelson. Keith Borjon is in the Los Angeles field office. Leonard is in the Sacramento field office, and Bruce is in Idaho, someplace.

-----  
S: That sounds good.

L: O.K.?

S: Yeah.

L: Alright. I think that's got it.

B: O.K.

L: Go ahead.

B: Alright, and O.K., Bruce, this is, I think the fourth time you and I have spoken. The first was Friday, last July 30th, at about 1:00 p.m. Pacific Time. You called me and we spoke for a few minutes, and then the second time was yesterday, Tuesday, August 2nd, at about 10:00 a.m. and I called you and called you at a bad time, I woke you up, and I agreed to call you back at a more convenient time, later yesterday. And the third time was later yesterday at about 6:00 p.m. Pacific Time and that time I made arrangements with you for you and I and my investigator Ed Leonard to be

on the line at the same time. Is that right?

S: Yes.

B: Okay. Before that first call from you to me on Friday, you and I have never spoken to one another?

S: No.

B: Okay. Before you contacted me on Friday, when did you first get wind of the fact that someone was looking for you in connection with this case?

S: Wednesday the 28th when I was in Boise I went to court.

B: Okay.

S: My attorney, he didn't know all the pertinent information, he still hasn't called back with the phone numbers like he was supposed to, but I went on with what he had told me about some . . . being wanted in questioning for a murder or something. And I didn't even go into it what it was. So I just, I knew who to call. I kinda had a basic idea of what was going on.

B: And who did you call?

S: First person I called down to talk to was Dennis Sanford, from Stockton Police Department, because he was the detective in charge of the case, and I found out that he had retired from Lucy. . . there, I guess she is their administrative gal or secretary in the Detectives Division, and then she told that Andy Jackson who had been promoted to, a lieutenant, was on vacation for a couple of weeks and so then I asked her, you know, if Bernie Garber was back in

the DA's office or if he was still on the bench, and she said he was still on the bench but to call over and the DA's office could tell me who is handling the case. And then I, that's . . . I called over there and spoke to Bill Murray who is head of the Homicide . . . Deputy District Attorneys and he called me back, or, excuse me, I called him back the next day in the morning and he gave me your name and phone number and also, as a matter of fact, he gave me two phone numbers here, Investigator Ed Leonard (916) 4642-2001 [sic]

L: Yeah.

S: . . . and Deputy Attorney General Keith Borjon, and then that was it. He just told me that when I call that if he was in a meeting or at lunch or whatever, just to tell the person who answered the phone, it didn't matter to call and page him through because he was expecting my call. And that, I called him from Portland.

B: Okay, and you've never been interviewed by Ed before?

S: No.

B: Now, you've never been a source of information for the California Department of Justice ? . . .

S: No.

B: . . . before, or the California Attorney General's Office?

S: No.

B: You're talking to us now basically as a citizen and not in connection with any case?

S: Exactly. I . . .

B: Okay.

S: I . . . When I first contacted the San Joaquin County District Attorney's Office, I was incarcerated but at this time I have been out of jail on those charges for 12 years.

B: Okay. You're talking to us now as a citizen.

S: As a citizen.

B: Have we promised you anything to get you to talk to us?

S: No.

B: Have we threatened you with anything to get you to talk to us?

S: No.

B: Have we provided you with any details of the case?

S: No. Nobody ever has except for Mike.

B: Do you have any idea, either generally or specifically, as to what allegations are being made now in the case by Mr. Morales' current attorney?

S: No. I haven't had any contact with the case other than, basically kind of like having a video recorder in my mind from all the years of having to live with it. Other than that I have had no knowledge of the case. I don't know where he's housed at. I don't know anything about him.

B: Okay. You have pretty much kept your nose clean since your 81 or 82 case in Stockton?

S: For the most part, except for recently I, up in Boise I took some money from an employer to go pay for a DNA test to determine paternity from an affair that I had, and it came

out negative, but it's still in the result I took the money knowingly and I have to pay it back. Other than that, yes, I have.

B: O.K. This interview is in no way connected with that case in any way?

S: No. You guys don't even know anything know about it I don't think?

B: Okay. We've done absolutely nothing for you on that case?

S: Nope.

B: Okay.

S: I particularly don't want anything done, so . . .

B: Okay, and we have made no promises to help you out in the future with any cases whatsoever?

S: No promises.

B: Okay. Have you read anything about this case from the time you testified ten years ago?

S: I have never read anything on this case at all.

B: Have you seen or reviewed your trial testimony from ten years ago?

S: Nope.

B: Have you seen or reviewed any police report concerning the statements that you made about this case ten years ago?

S: No.

B: Have you reviewed any document in connection with this case prior to this interview?

S: No. Never. I . . . In prior to my conversations with Mike,

during the conversations with him, with . . . with the police, with the - Tankersly, Larry Tankersly, the investigator for the District Attorney's Office, none of those guys, the only paper works I'd ever seen were transport papers, transporting me from Stockton to Santa Barbara to Merced. And in terms of protective custody other than that I have never seen any other paper work, in terms of investigation to statements or anything else.

B: O.K. you are about to talk to us about the case based totally on your independent recollection of the case of ten years ago?

S: Yes.

B: Have I told you any, in any of our previous conversations since Friday what any of your testimony was ten years ago?

S: No. Actually, you sat and listened to it, kinda of like you, I don't know. I was looking at the end, like you're getting a profile made on me, based on what I was talking to you about, in terms of - I don't know, it's just investigation skills told me you were listening for a particular reason.

B: Have I told you any of the facts of the case concerning the murder of Terri Winchell?

S: Have you . . .

B: . . . in any our prior conversations?

S: Have you talked about it? No.

B: Have you had any contact with the trial prosecutor, Bernie

Garber, since you testified in the case ten years ago?

S: Ah, let me think, no, actually, I haven't to the best of my knowledge other than when I went back to Stockton for violation of probation. I had left the state, part of which was behind this trial, but I'd left the state and kept my nose clean. I've been out of trouble, but they still had a warrant out for me for a violation of probation for moving out of state when I went back to California in 1986, 85, I was working and we had to fill out these registration cards for Humbolt County because I was working as a telephone solicitor for Special Olympics, and they had us fill out these registration cards with the Police Department, and next thing I know, four or five officers coming up there and saying I had a warrant out of Stockton, Modesto, Sacramento, Auburn, every place in the world for violation of probation for not telling them I was moving out of state and when I went to court in Stockton I had seen Bernie in there and told him congratulations cause I figured, I thought eventually he would make a good judge, but at the same time I've never have had any other contact other than that.

B: Have you had any contact with police detective, who was assigned to the case, Dennis Sanford, since you testified in the Morales case ten years ago?

S: Sanford nor Jackson, neither one of them, no.

B: Same question with respect to Larry Tankersly, the DA's investigator who worked on the case?



- S: No, I haven't any contact with him. I have seen his son once or twice but never have seen Larry. I mean I haven't talked to him, I have seen him. I used to drive by his house all the time on my way to work.
- B: Okay. Now, let's start from the top then. Going back to 1981 or 82. Let's go back to, when you first were arrested in Kingman, Arizona and then brought back to Stockton in custody in 1982. Why don't you begin by telling us about your case and how it led you to meet Michael Morales in person?
- S: Basically, as far as my case, I had been presented a challenge to, by some individuals as to accomplishing something and in the field of breaking in somewhere and being able to get "X" amount of money, it wasn't a set aside, a set amount, but to get enough money to go out and buy cars or whatever else with and to show that banks were inadequate in their securities as far as their knowledge of what was of being scamed or schestered or whatever. And I'd always felt that they had been, that they were kind of lax in their policies, the grocery stores too, their check cashing policies. So I broke in this place Paul Herman Realty, who was a property manager for several developments, mini malls, regular malls, medical centers and as a result he had check books in there for every one of them, and to pay for whatever payments, costs or things of that nature, and when I went in, I walked by one time, saw that they had

no alarm in this complex across from Delta College where I was attending school at that time, walked in, saw no alarm there so I went in one night, kicked the bottom window out, went in and grabbed the check register, all the check books, typewriter and some pens to write with and left and started writing checks all over the area. I had worked for retail I knew that they would accept checks with ID from anywhere from Auburn - actually from Reno as far down as . . . I could have gotten away as far down as Bakersfield but I never pushed the issue and so I stopped at Modesto, Tulac area. And, anyway I went and bought some items and then I went test drove a Monte Carlo and drove the Monte Carlo over to Arizona and just making around trip vacation basically and I was speeding over there and came over the hill and got nabbed by radar and when they pulled me over and ran a check and from the officer I went to junior high school with over there told me that they had just put on a "APB" out not even two hours before and so they held me there. Almost ran out of time on the statute for extradition and they wanted to fly me back in California, went over there and went down to the "hole." Primarily because I wanted to be away from everybody else where I could study the defense on the case because I was going pro per, co-counsel. And I wanted to have access and have quietness while I was up there I didn't want anybody to stick their nose in my business, and at the same time I preferred not to be around other people. I mean

I was in there for being criminally negligent, but at the same time I've never really felt myself to be of the same caliber of people with most of the guys [that] are in the cells, I don't get into bad mouthing the police officers and stuff, because I look at the situation, I put myself in there. And they always wanted to start trouble in the cells with each other or would pick on the weaker, smaller people, which I am not a small person, but if you don't go along with those things they tend to look at you as a snitch or whatever and the next thing you know your stuff starts disappearing and I just never wanted to get into it.

B: Did you have those problems?

S: Ah, in the cell?

B: Aha.

S: No, primarily because I was able to be more intelligent than, you know I am not patronizing myself in any way, but being more intelligent than probably 99 per cent of the people in there. They came to me for legal advice, to write letters to their girlfriends or whatever, you know, the type of letters that, coining the phrase, "Oh baby I love you" type letters because they were too illiterate to write it themselves and so I never really had problems with that. The biggest problem I had is people sticking their nose in my business, and I have a quick temper, and at that point I would really have one, and so I asked to be put in "Ad-Seg," administrative segregation, because the problem I was

having were from basically people who stick their nose in my files and stuff, and it wasn't really a promise as far as confrontations go, but as far as, it would have led to one and to prevent it, I talked to one of the officers and he told me "No, the only thing I could do is put you in the hole," and I said, "Well, that's fine. Put me down there then." And because that way I can have some peace and quiet and not worry about my stuff getting ripped off when I go to court or going out to the yard or whatever. And there were times when I knew there were some things being taken then, at that point. But that's just from little, what I call "mouse thieves" that take from everybody. You know they walk around like little "pack rats" and just grab whatever they feel they can get their hands on when nobody is looking. And so to avoid the whole situation of losing the temper, and winding up costing myself more time I asked to be put in the "hole."

B: Well, was this soon after you were extradited or?

S: Yeah, it wasn't long afterwards at all. It was, one of the officers I knew that I went to school with. I talked to him about it, about going down there. It's a common practice. If you feel, I don't know if it's still or not in Stockton, but at that time, if you felt, they would put you in protective custody if they felt there is a danger to you. Ah, which there was this own little . . . I mean, for the weaker people, they had their own little section that they

would put them into, their own little tank. Then there was administrative segregation for high caliber security risk, i.e., people, murder, molestation, and rape, federal crimes, which at the time also would expedite me getting into the hole, was where I had interstate transportation of documents, checks, check protector. And the fact I had written them out of state, although I paid those off before I got arrested I went back to Reno, paid them off. I valued my life a little longer than it probably would have lasted. But I went back to pay those back and got the checks back and just let them know that there was not enough money to cash them at that time. And they gave me my checks and I was on my way before, people from the other side of the law got wind of it. But anyway, there was at one point there was a lot of allegations or, I along with the jail was led to believe it, I could be facing federal charges for the checks because the dollar amount and the fact that they were inter-jurisdictional and so automatically San Joaquin County segregates you for any federal charges - because you're not supposed to be housed with state inmates. And that was the overall picture right there which put me down there and that will justify if anybody wanted to know why I was in the hole other than for my own peacefulness and, you know, so people wouldn't think I was down there just to be comfortable and not have to deal with everybody else. And it was a combination of both, you know, I didn't want people involved

in my case. I didn't want somebody snooping through my stuff and at the same time, I wanted to be able to relax and I not have to get involved with the games upstairs. I didn't care if I lost my TV or radio or anything else. It didn't matter because I read more than anything else.

B: So those are the only problems you had?

S: Yeah.

B: And . . .

S: . . . prior to any testimony?

B: Prior to any testimony and prior to you getting into the hole.

S: Right. I didn't go down, I know in subsequent conversations I have had with investigators and attorneys or whatever throughout this situation. Before the trial or during trial the insinuation was made that I knew who Michael Morales was and that the District Attorney set me up to go down, or the police, or Sheriff's department, or whoever had set me up to go down, or to extract information, not the case at all. I didn't even know who this guy was until I had been approached by an inmate one time, just asking who his name was and I still didn't correlate who he was versus any crime. I haven't even heard of the crime.

B: Okay, who was it that, this inmate that you were talking to?

S: There was a trustee I can't remember his name right off hand I know, they used to call him "Stony." I'll remember his name here in a minute. I'm almost positive it was, it was

one of two trustees because they were both standing right by each other. "Stoneking." I think his first name is James. But he goes by "Stony", he is probably mid-forties now, mid-forties or early fifties. Somewhere in there.

B: His last name was "Stoneking"?

S: Yeah.

B: Were you ever a trustee?

S: Ah, not at that time. I was at one point before.

B: When was that?

S: In 1980.

B: What did you do as a trustee?

S: Ah, officer's cook, till I went to the honor farm.

B: When did you go to the honor farm?

S: Ah, that was in the Summer and late Spring, early Summer of 1980 and then I was in there on a CYA parole violation, and I went over to the farm and went to school, the Delta College, and worked in the kitchen at the same time and then got, went back from the farm, back to the main jail the last month or so that I was there, that I was an officer's cook when I was there. I pretty much just stuck to my own business. I played the games that the clowns in there play, as far as ignoring them, and putting up with it. But at the same time I had the respect of everybody because I was officer's cook. If they wanted something, they knew that . . . I don't know. It was kind of one of those ultimate positions and I didn't particularly care about that, I took

pride in my cooking. And the fact that I was able to accomplish, making people happy with their food and getting out, and getting over with my time. And it gave me a lot of time to be isolated too, I could sit and read when I wasn't doing something when I was a cook.

B: What did you first hear about Mike Morales being in a cell near you?

S: Ah, I was coming back from, I was trying to remember if it was court or from the phone tank. And one of trustees, there was a couple of them sitting there in the dining room area, and one of them popped up "Is Michael Morales in your cell block?" And I said "I don't know. What does he look like?" Because I didn't know any of the names of the people in there, because I really didn't, I stuck to my own business. And they said "Well, he's Mexican. He's got a funny-looking little moustache, and he's probably a little bit under six-foot tall." "Oh, yeah, I think he is, I am not sure. But I think he's right across the cell from me." And then that was it. They just wanted to know if he was in there, and I didn't pay much attention to it until I went back to my cell and later on when he was up near the bars I asked him, I said, "Is your name Mike Morales?" And he was kind of hostile, in his reaction. You know like "Who the hell are you asking me this question, for what reason?" type of thing. And I said "One of the trustees just asked if you were in here." And he just went "oh" and then blew it off



and that was about it as far as coming to know who he was.

B: Can you describe what hole was like? Physically.

S: Physically? There is two different types of hole. The one I was in - the one I wasn't in was a three-man hole. It had three individual cells. The one I was in, as well as Michael, and four other people, were six men, were three individuals single cell on each side, which were approximately 4 x 8, and 4 x 8, 4 x 7, concrete bed, sink, a toilet and sink, and that way you were in isolation, your basic necessities were met, they had bars on electric doors, and they were also key locked, I mean, you can either open through the electric control or through, ah, I have a key. There was a smoke detector, a speaker, which was two-way that they, the officers, could monitor your conversations from the cage area, out in front where the main jail is, or they could reverse it and speak to you or turn on music, and listen to music, kind of poorly lit, the cells are all, there is three on each side. I was in the one closest to the door, then diagonal to me was Mike, and then there was a cell next to me and diagonal to him you could see into the opposite cell and with all three on each side like that, they were scattered. And you couldn't really see the cells too well, although you could see the bed and the sink. You could always see the toilet the sink from each cell, you know diagonal from each other. But as far as looking in the cell, first of all there is a four-foot walkway in between

you. And then, the gate and the beds were on the right hand side of the cell as you walk into them. And with the wall that came out, that structured for the gate, the frame for the gate, you could see probably about, if you stretched your neck about two feet of the bed, you could see the back part of it, which is where most people kept their personal items. There is this thing, down there that, if they couldn't see it, they couldn't take it. If somebody was in there while you were gone. That's if they reached their hands in the bar or something.

B: The time you were in the hole, were you in the same cell continuously for the entire period you were there or were you ever moved within the hole?

S: I was moved one time. And we have a pretty obnoxious person in the cell block. And, I mean, loud, boisterous, kind of like a kid that couldn't have his way, so he was going to throw tantrums all the time and it was making it hard to concentrate on my studies, and as well as going through the law books to prepare my defense.

B: And you were moved from where to where?

S: They had moved me from one cell in a smaller block to the bigger block, more open block.

B: When you say bigger block, you mean from one . . .

S: From a three-man to a six-man.

B: You were in a three-man, you went to a six-man. How did your relationship, so to speak, begin to develop with Mike

Morales at the time you were in there?

S: Ah . . .

B: How did it start?

S: He first watched what was going on in the cell block, as far as, he'd come up to the bars and I'd seen some pictures that he had drawn and he was showing them to some of the other people in the cell block, and, you know, I kind of admired his work. It was nice work, and I didn't know anything about it, for all I knew, he was an ex-convict, because those are only people I'd ever seen that could draw that good inside the jail, you know, somebody who had a lot of practice. And he has asked me when he'd come up there, if I wanted him to draw me an envelope or something like that to send to my girlfriend or to my family or something along that nature. And I never really thought [of] it, I told him if I did I would let him know, and one of the things I noticed that he didn't get a lot of commissary. And that's something I noticed about a lot of people when I'm sitting there watching, is more of a defensive mechanism kicks off that, "Well this person's not getting commissary so hid your stuff." So it doesn't disappear, because, even though you are in a single cell, when you come out to take a shower the other persons are not there, the officers not watching, you can reach your hand into those cell bars and grab things, and they have to be pretty big, but you could still do it. So, I kind of noticed that about him. I didn't say too

much. But then one day I was sitting there reading my books, and making some notes down on my case and scrutinizing some statements and testimonies and he started asking me questions that pertain to what I was doing, my charges, you know somewhat of my charges, and he didn't want to cross the line as to stick his nose in my business, but he was wondering if I had, you know, what he deemed to be super serious charges or what. I just told him, "check charges," and he goes "Oh, federal." "I don't know, not yet, they are talking about it." And he says "Oh." That led into conversations as to technicalities on my end of it as far as my case went.

L: Bruce, let me interrupt you for a minute here. I near the end of this tape, let me take this out and change this so we don't miss anything, all right.

S: Okay.

Tape 1, side 2

L: Okay, the time is about 1440 hours and we are back on the tape, go ahead Bruce.

S: He started to talk to me more and more freely about my case as far as . . . I was kind of proud of the work that I had done in ripping apart statements and testimonies that were done and police reports even though I had already admitted to it all, through admissions to the police department, I was still to the point where I was telling everyone I was going to fight it in trial, based on plea bargain situations

that were going on negotiations and knowledge of current law in terms of restitution and sentencing. And the victim's bill of rights had been passed, but it wasn't, it didn't pertain to my case because the charges and the crime were committed before that and so there was no retroactive date involved. So I was involved in trying to get that taken care of, and anyway we sat and talked and he started asking me questions, technical questions that threw me out in left field at first. I didn't understand where he was coming from, and one of the first ones that he'd asked me about were, if a victim of a murder were dead, when they were . . . if you stabbed them after they died, would they still be bleeding? And to me, at first, when he asked that, you know he had been reading books, and I thought well maybe he's reading Steve King or something like that and was trying to figure out whether it's fiction or not fiction and it didn't click, not at first, and I then I told Mike, I said "Well, I have my opinion about it but I can find out from a friend of mine who is a doctor and he can tell me." And so he said "Well, if you would, I'd appreciate this. It's something I want to know." I said "okay." So, given, during that time that I was down there I was listening, overhearing a lot of people as far as their mouths running off in our cell, and the type of people they were and I wasn't real thrilled with it and so when I came back from the phone, I had called my friend the doctor and gave me pretty conclusive answer to

the question and when I came back I asked Mike, I said, "You're Hispanic, obviously by looking at you and your name being Morales, do you speak Spanish," and he said, "Yes." So we started conversing in Spanish and I explained to him what the doctor said, about the situation in Spanish because as far as my knowledge went, the four other people that were in that cell block were either White or non-Spanish speaking individuals in general. Because like I said, I couldn't see all the way down there and I never really saw everybody that was in the cell block when I go in there, walked around and looked around. So anything I did was directly with Michael and we sat, talked about this situation with stabbing somebody after they were dead, and it wasn't even a day or so after that he was furthering himself or further furnishing me information as far as the foundation to the question why he asked it, and his words as I remember were to the point that, "You are kind of legal eagle. I have been paying attention to what you said about your case and so I wonder if you might be of help me a little bit with mine? With some questions because there is some things that were being said about my case that aren't true and I have a 'dumptruck' attorney who needs some help in learning how to ask questions." And I said "Well that's fine. Whatever I can do for you is fine." And at that point I still didn't know anything about his case or what it was for. The only thing I can figure out that was going on with

him, that he was really secretive about his case which I was pretty much the same way too. I would talk of certain things about it, but I wouldn't go into detail about my case because my crime partner turned me in and the last thing I want to do is have somebody else doing the same thing so that if I needed to get to trial I wouldn't have any defense. So it was with Michael, we sat and talked about . . . for a couple of days about this thing, about somebody being dead and he described to me the person that he was talking about and I asked him point blank, I said, "What makes you think that person was dead or alive, or whatever?" He goes, and "Well her 'tetas' were moving up and down with her." - basically when I went to define it for him, for I said "In other words, she was breathing and her chest was moving up and down with the breathing." He said, "Yeah." Well, I gave him the answer, but I held something back because once he start telling me about that, something clicked in my mind that there is something wrong with this guy. That he did something that is very wrong. And I don't know what it is but it intrigued me as to, you know, what he had done and we started talking some more, and more technical questions. Ah, apparently he had dragged Teri Winchell across the ground feet first and there were scratches underneath the breasts. One of the questions he brought out was that the coroner had, I guess as "preliminary" or an investigation or something or other had

said something to the effect that there were scratches on tops of her breast and he wasn't sure, he says, he couldn't remember which way it was. He said "Well, if I was dragging a person by their arms where would they have the scratches at?" I said "Well I'm not a medical expert. I couldn't really tell you. And it would depend whether they were dressed if it was in the mud, or all kinds of things." And I was just giving him answers that would pacify him or, you know, would make him be happy, but not at the same time, not giving him answers that he could use in court. And I pictured what he was getting at. And I wasn't gonna aid him in his defense in that way. To be able to nit-pick at somebody's statement, and, or nit-picking any questions or technicalities, because it didn't take me long to figure out that this guy's done something wrong. And if, what he was talking about I started putting together a little memory section of my mind to remember what he was telling me. And so, for the first few days or so we were basically talking about his situation with somebody living or dying, scratches, technicality questions, and medical technicality questions.

B: You mentioned you spoke to him in Spanish, are you fluent in Spanish?

S: Not as much now as I used to be, but I up until about oh, ten, about eight or ten years ago, I used to be very fluent, I grew up in Los Angeles and I have always had a fascination



for the Hispanic culture. We had a Hispanic housekeeper, a Mexican-American housekeeper and that's where I first learned to speak, read and write Spanish. I even used to do my homework in it. While I was in elementary school, and cooking, with the language, with the arts the whole culture I have always enjoyed it. Being in, out in a smaller or less Hispanic population-inclined area away from California, I haven't had as much need to use it and, like actually, like a lot of the Mexican-Americans in the Portland area, I find myself needing to be around more Hispanic people. As a matter of fact, when I was down in Phoenix, it was great because it started coming back again, and but up until. . . . I'd say part of 1986, I was very fluent in it, reading, writing and speaking, both formal and informal, or "Spang/ish," "ghetto Spanish" and in educated Spanish. I studied, continued my studies at the college and Senior Vallejo, my professor over at Delta College.

B: And Mike Morales is fluent in Spanish?

S: Yes.

B: Were all your conversations in Spanish?

S: They tended to be when there were, as Mike could put it, "little ears with big mouths." And, he would pop up, I mean they weren't conversational in Spanish as far like as you and I sitting down and having a conversation. The questions were directed and the statements were made back and forth. But in terms of regular conversation, if we weren't talking

about his case, we would speak in English. And the rest of the time we would talk in Spanish and we'd even have the non-Spanish speaking cellmates or inmates or whatever you want to call them, commenting on that: "If you guys have something to say won't you [why dont]? say it in English so we can understand you." And we'd turn around and say: "If we want you to understand us, then we'd tell you. Otherwise it's none of your dam business."

B: What . . .

S: Or a lot of it was in writing too. I'm sorry. I should tell you that, we did pass notes back and forth. He'd ask me questions on a piece of paper and I'd send him the answers back, and most of them were in the middle of the night, when everybody else was sleeping.

B: The notes or the conversations?

S: Both, both, the notes would mostly come out in daytime when everybody was awake, but conversations were mostly at night. And we had a, coined a Penal Code phrase of "459 in progress" is what we called it constantly then we had people "burglarizing" our conversations, so we started waiting 'till night time to talk, and if something came up during the day, he'd flip me a note over into my cell in one of those little "buggler packs," which is kind of like the "pony express" for the whole cell block or, for people in general that are in jail. You put things in 'em. You tie them to a string. You send them down. You throw it down

the tier or whatever. When we're on the cell block we'd do the same thing.

B: A "buggler pack?"

S: Yeah. I smoke cigarettes, but there were people in there who didn't smoke or anything, and in the commissary you'd find "Buggler tobacco," generic "roll-your-own" type tobacco.

B: Oh?

S: And you could take the tobacco once it was empty, and it was made up of cardboard or paper around it, and you could fold the top of it down. Excuse me, this is like having a little package and you could throw it. You can become pretty proficient, like a frisbee. Sometimes if you had to go long-distance, you'd tie a string to it so in case it went too far, or went out away from the cell, you could pull back and try again.

B: Okay, then beyond those first few days when you were talking about legal technicalities, how did things progress from there?

S: Ah, we basically, I can't recall exactly what turned the tide, but we decided to start talking about his cousin. And he decided that we were going to talk about his cousin. And I was like "Who is your cousin?" and he said, "Well he's in here." I says: "Your cousin? For what? What did he do?" And at that point, we'd already, when we were talking about him, he told me that he has a cousin who is a "hommie." And

I says "as like homeboy?" And he said: "No, as in 'faggot.'" and he started railing the faggots and the homosexuals really hard. And he wasn't sympathetic to their beliefs in any way, but he constantly mentioned that his cousin being an exception to that even though he didn't believe in what he is doing, and he was still his cousin. And I says: "Well, What does that have to do with the time of day? He's a homosexual, so what. There are a lot of people in the jail and on the streets who are homosexuals." And, he goes: "Well, you might know him." "You're cousin? I don't know. I doubt it." "Well, he lives out in North Stockton, out by your, by where you live" And, I says "Oh. That's nice." And I said: "What's he in here for?" He goes: "Same thing I'm in for." I says "Well, I, at this point, I don't know what that is. So I really don't know much about it." And he says: "Let me explain to you what happened with my cousin. My cousin is a homosexual. He got involved with this other guy who was bisexual." I says: "Oh. So what did you guys do? Beat this guy up or something?" And he goes, "No." And that's when the conversation stuck strictly to Spanish, at all times, in terms of his case period. Whether or not, if we had reason to believe there was somebody in the cell, cellblock or not, that we didn't catch while they were sleeping, they might have been there, they might have gone to the yard, whatever. We didn't want to take any chances. He says: From now on

just either write it or you know, say it in Spanish. Because I . . . We can't talk English because you never know who's listening." "That's cool." And so we started talking, and he says what happened was, his cousin, the "homo," was involved with this guy, I want to say "Dale", I can't remember this guy's name, we didn't talk about him very much. But anyway, this guy was involved with Terri Winchell at the same time. And I asked Mike, I says "Well, you know, that happens. You know. That's life." He says: "No. It was kind of 'fucked up'" I said: "What do you mean fucked up?" He says: "Well, you know, that's my cousin. That's, that's, family, I don't like faggots and all but that's family. And this guy is going over to the other side, going out with this girl and basically he is telling Ricky that, you know, he's not interested in continuing the relationship." And, I says: "Well, I don't get it. I still don't see the connection here." He says: "Well, he hurt his feelings, you know what I mean, and I mean, that's my cousin." I says: "Oh. Well, what do you mean hurt his feelings?" He says: "Well, he was so upset, he was ready to kill himself." "So, just one less faggot on the earth." Then he laughed. He says: "That's true, but that's family." He says: "You know, I can't let that happen. I couldn't let it happen." I says: "Oh. What's that mean?" I said, "Did you go do something to this guy or something and that's why you are in jail now, or?" He says:

**Exhibit 16**

**Declaration of Lisa Flynn – June 11, 1998**

1 MCBREEN & SENIOR  
2 1801 Century Park East  
3 26th Floor  
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5 Telephone: (310) 552-5300

6 Attorneys for Petitioner  
7 MICHAEL ANGELO MORALES  
8

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11

12 MICHAEL ANGELO MORALES,	)	CASE NO. CV 91-0682 DT
	)	
	)	DECLARATION OF LISA FLYNN
14 Petitioner,	)	
	)	
15 v.	)	
	)	
16 ARTHUR CALDERON, as	)	
17 Warden of San Quentin	)	
18 State Prison,	)	
	)	
19 Respondent.	)	
	)	

20  
21 I, Lisa Flynn, declare and state:

22 1. I am Mike Morales' sister, and the daughter of John  
23 and Josie Morales. I am 35 years old and have three brothers. I  
24 lived with Mike until he was about 15 years old. In this regard,  
25 I have personal knowledge of the facts stated herein, and can  
26 competently testify to them under oath.  
27

28 / /

MCBREEN & SENIOR  
1801 Century Park East, 26th Floor  
Los Angeles, California 90067  
Telephone: (310) 552-5300

1                   2. I am at least a fourth or fifth generation  
2 American. I was born in California. I do not speak Spanish.  
3 While my father speaks Spanish, my brothers and I speak only  
4 English. I can't understand Spanish, nor am I conversant in  
5 Spanish.  
6

7                   3. The Spanish language never was used around our home  
8 with me or my brothers. None of my brothers, including Mike,  
9 speak or understand Spanish. I believe my father speaks Spanish  
10 because I have observed him communicate with others while using  
11 the language; however, I have no personal understanding of the  
12 quality of these communications because I don't speak Spanish.  
13 Neither my father, myself, nor any of my brothers, including  
14 Mike, have any Spanish dialect or accent.  
15  
16

17  
18 I declare under penalty of perjury under the laws of  
19 the United States of America that the foregoing is true and  
20 correct. Executed on June 11, 1998.  
21

22  
23   
24 LISA FLYNN  
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**Exhibit 17**

**Declaration of John Morales – June 11, 1998**

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9 UNITED STATES DISTRICT COURT

10 CENTRAL DISTRICT OF CALIFORNIA  
11

12 MICHAEL ANGELO MORALES, ) CASE NO. CV 91-0682 DT  
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14 ) DECLARATION OF JOHN MORALES  
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I, John Morales, declare and state:

1. I am Mike Morales' father and the husband of Josie Morales. I have been married to Josie Morales since 1958, and we have four children, including Mike, our oldest child. I am 60 years old. Mike resided with us from birth until he was about 15 years old, and we have remained in regular contact with him from that time until today. For over the past 15 years, we speak with

MICHAEL & SENIOR  
1801 Century Park East, 26th Floor  
Los Angeles, California 90067  
Telephone: (310) 552-1300

1 Mike by telephone or visit him approximately every week. In this  
2 regard, I have personal knowledge of the facts stated herein, and  
3 can competently testify to them under oath.

4 2. I am at least a third generation American. I was  
5 born in Texas and moved to California in 1943. I learned Spanish  
6 and English at the same time as a child. I spoke only English at  
7 school from Kindergarten through graduation from high school. I  
8 spoke Spanish when talking to my mother, and I spoke English or  
9 Spanish when talking to my father. I am able to read, write, and  
10 speak Spanish fluently. I know enough Spanish to recognize those  
11 people who can speak, converse, and/or understand Spanish.  
12

13 3. My wife speaks very little Spanish, if any, so we  
14 didn't use the language around our home. None of our children,  
15 including Mike, speak or understand Spanish. No one in our  
16 family has even basic Spanish language or writing skills.  
17 Neither my wife nor any of my children, including Mike, have any  
18 Spanish dialect or accent, and I do not believe that I do either.  
19  
20  
21

22 I declare under penalty of perjury under the laws of  
23 the United States of America that the foregoing is true and  
24 correct. Executed on June 11, 1998.  
25

26   
27 JOHN MORALES  
28

**Exhibit 18**

**Declaration of Josie Morales – June 11, 1998**

1 MCBREEN & SENIOR  
2 1801 Century Park East  
3 26th Floor  
4 Los Angeles, California 90067  
5 Telephone: (310) 552-5300

6 Attorneys for Petitioner  
7 MICHAEL ANGELO MORALES  
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12 UNITED STATES DISTRICT COURT  
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14 CENTRAL DISTRICT OF CALIFORNIA  
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12 MICHAEL ANGELO MORALES,	)	CASE NO. CV 91-0682 DT
13	)	
14	)	DECLARATION OF JOSIE MORALES
15	)	
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21 I, Josie Morales, declare and state:

22 1. I am Mike Morales' mother and the wife of John  
23 Morales. I have been married to John Morales since 1958, and we  
24 have four children, including Mike, our oldest child. I am 59  
25 years old. Mike resided with us from birth until he was about 15  
26 years old, and we have remained in regular contact with him from  
27 that time until today. For over the past 15 years, we speak with  
28

MCBREEN & SENIOR  
1801 Century Park East, 28th Floor  
Los Angeles, California 90067  
Telephone: (310) 552-8300

1 Mike by telephone or visit him approximately every week. In  
2 this regard, I have personal knowledge of the facts stated  
3 herein, and can competently testify to them under oath.

4 2. I am at least a fourth generation American. I was  
5 born in New Mexico. I do not speak Spanish. I spoke Spanish  
6 until I started school. Thereafter, my parents only would speak  
7 to me in English so I could learn English. I only spoke English  
8 while at school, from the time I started school through  
9 graduation from high school. I can understand limited Spanish as  
10 a result of my exposure to hearing the language as a child;  
11 however, I certainly am not conversant in Spanish, nor can I read  
12 or write Spanish.  
13  
14

15 3. The Spanish language never has been used around our  
16 home. None of our children, including Mike, speak or understand  
17 Spanish. My husband speaks Spanish. I have observed him  
18 communicate with his mother while using the language. I  
19 understand spoken Spanish, but I cannot converse in the language.  
20 Neither my husband, myself, nor any of my children, including  
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MCBREEN & SENIOR  
1801 Century Park East, 26th Floor  
Los Angeles, California 90067  
Telephone: (310) 552-5300

1 Mike, have any Spanish dialect or accent.  
2

3 I declare under penalty of perjury under the laws of  
4 the United States of America that the foregoing is true and  
5 correct. Executed on June 11, 1998.  
6

7   
8 JOSE MORALES  
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**Exhibit 19**

**Declaration of Leonard Lucero – April 6, 1994**



## **DECLARATION OF LEONARD LUCERO**

**I, LEONARD LUCERO, declare:**

1. I met Michael Morales while I was incarcerated at San Joaquin County Jail in 1982. We were housed in cells next to each other in the area of the jail known as "The Hole." The Hole is the section of the jail where men charged with violent crimes and men suspected of involvement in gangs were housed. Men with nonviolent and misdemeanor charges who had no gang affiliations were not held in The Hole.

2. During the years 1982 and 1983, I was in and out of San Joaquin County Jail for violations of the Health and Safety Code. I was housed with Mike off and on during that time, often for two to three months at a time. Mike and I became very friendly while housed together in The Hole. We played cards together, and talked about everyday things. Although Mike and I were about as close as guys got in the jail, he never told me anything about his case. We all knew, and I talked about this with Mike, that talking about your case with anyone at all, even with someone you trusted as family, could only cause trouble for you, because either your friend could turn on you, or someone could overhear you.

3. There was a PA System in The Hole so that the Sheriff's Deputies could both make announcements and listen in on inmates' conversations. It was common knowledge among the inmates that the guards could listen in on the inmates, and both Mike and I knew about it.

4. Spanish is my native language. I grew up in a household where both English and Spanish were spoken, and consider myself bilingual. I often spoke Spanish

with the other guys in the County Jail who spoke Spanish. I spoke to Mike using English, though, because Mike Morales could not form even the most basic sentence in Spanish.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed April 6, 1994 in Stockton, California.

A handwritten signature in black ink, appearing to read "Leonard Lucero". The signature is written in a cursive, flowing style with a large initial "L".

LEONARD LUCERO

**Exhibit 20**

**Declaration of James Kevin Mahoney**

DECLARATION OF JAMES KEVIN MAHONEY

**I, James Kevin Mahoney, declare and state:**

1. My address is Old Folsom Prison, P.O. Box W, 1D125, Repressa, California 95671. I have been convicted of a violation of California Penal Code section 187, and am currently serving a sentence of life in prison without the possibility of parole.

2. The crime for which I was convicted occurred on August 28, 1982, and I was arrested for this crime on August 29, 1982. Beginning on August 29, 1982, I was incarcerated in the San Joaquin County Jail. Initially, I was housed in an area of the jail referred to as the "hole" and, subsequently, I was moved to the second tier in the jail. The preliminary hearing for my case began in late November, 1982, and ended in early December, 1982. Prior to my preliminary hearing, I was moved back to the hole at the jail. This occurred in approximately the second week of November, 1982. At about that time, I was advised by my attorney that two jailhouse informants were going to testify against me at my preliminary hearing. Accordingly, at that time, I was very suspicious when anyone asked me about the facts in my case.

3. When I moved back to the hole, I was housed in cell 9, and Michael Morales was housed next door to me in cell 10. The area of the jail where we were kept was a six cell block, with three cells on one side of the hall, and three cells on the opposite side of the hall. A true and correct

1 drawing of the configuration of this cell block is attached  
2 hereto as Exhibit "A". Bruce Samuelson was housed in a cell  
3 directly across the hall from the cells where Morales and I  
4 were housed, which I believe was either cell number 12 or cell  
5 number 14. A true and correct xeroxed copy of a photograph of  
6 Bruce Samuelson is attached hereto as Exhibit "B".

7 4. I remained housed in cell 9 in the hole until a  
8 few days after November 23, 1982. I remember this date because  
9 it was the date I attempted to commit suicide. After my  
10 suicide attempt, I was taken to the hospital for a few hours,  
11 then returned to my cell in the hole for a few days. I then  
12 was transferred to the medical cell area. Attached hereto as  
13 Exhibit "C" is a copy of my hospital record identifying the  
14 date and time of the medical treatment received for my suicide  
15 attempt as November 23, 1982 at 2:26 a.m.

16 5. While incarcerated in the hole in November,  
17 1982, all inmates housed in our cell block were required to eat  
18 their meals in their cells, and only were allowed out of their  
19 cells for court dates, attorney visits, showers, and minimal  
20 time in the yard. All inmates housed in the hole accompanied  
21 each other to the yard and to the showers.

22 6. Inmates housed in the hole could not move freely  
23 between the cells in the jail; but instead, were locked down in  
24 their individual cells at all times. Accordingly, any  
25 conversations between the inmates in our cell block area had to  
26 occur with one inmate talking to another from one cell to  
27 another. As a result, everyone housed in our six cell block  
28 area could easily hear any conversations taking place between

1 the inmates in our cell block area.

2 7. Bruce Samuelson often initiated conversations  
3 with Mike Morales and with me. Because Samuelson was across  
4 the hall from both of us, these conversations easily could be  
5 heard by either of us, as well as the other inmates in our cell  
6 block area.

7 8. During my incarceration in the hole in November,  
8 1982, Samuelson repeatedly asked Morales and me about the  
9 particular facts of our cases. Samuelson always initiated  
10 these conversations. I was particularly suspicious and  
11 concerned about his questions, and I specifically paid  
12 attention to his actions because of my attorney's advices that  
13 the District Attorney was intending to use jailhouse informants  
14 against me at my preliminary hearing.

15 9. Morales generally told Samuelson that he did not  
16 want to talk about his case; however, on a few occasions,  
17 Morales did ask Samuelson some questions regarding the meanings  
18 of certain medical or legal terms. Morales' questions always  
19 were in response to Samuelson's questioning. Morales never  
20 discussed with, nor directed questions to, Samuelson or anyone  
21 else regarding the facts surrounding the allegations against  
22 him.

23 10. From the nature of Samuelson's repeated  
24 questions to Morales, it was clear that Samuelson was familiar  
25 with the circumstances surrounding the death of the victim in  
26 Morales' case, as well as the charges and allegations against  
27 Morales.

28

1           11. Specifically, Samuelson's questions evidenced  
2 the fact that Samuelson knew, among other things, that: (1) the  
3 victim allegedly had been struck with a hammer numerous times;  
4 (2) someone allegedly had attempted to strangle the victim; (3)  
5 the victim was found in a vineyard near Lodi; and (4) the  
6 victim may have been sexually assaulted. I specifically recall  
7 Samuelson repeatedly asking Morales what the victim did to  
8 deserve being struck with a hammer so many times, and whether  
9 the victim was struck with a hammer by Morales or the co-  
10 defendant in his case, Ricky Ortega. In each instance that  
11 Samuelson questioned Morales regarding the foregoing, Morales  
12 replied that he did not want to discuss the matter.

13           12. Samuelson also asked Morales several times  
14 whether the victim was alive when she was sexually assaulted,  
15 and whether the victim was sexually assaulted by Morales or the  
16 co-defendant in his case, Ricky Ortega. It was clear from the  
17 nature of Samuelson's questions that he knew that the victim  
18 was alleged to have been raped. In response to this repeated  
19 questioning, I specifically remember that Morales became angry,  
20 refused to discuss the topic, and instructed Samuelson, with no  
21 uncertainty, to stop asking him questions about his case.

22           13. I am informed and thereon believe that Samuelson  
23 testified at Morales' trial that Samuelson obtained a  
24 confession from Morales while Morales was incarcerated at the  
25 San Joaquin County Jail. I have reviewed a portion of a  
26 Stockton Police Department - Subsequent Report dated December  
27 17, 1982 which states that Samuelson stated that this  
28 confession took place on Thanksgiving night, or the night

1 before Thanksgiving, 1982. These dates would either have been  
2 November 24, 1982 or November 25, 1982.

3 14. I would have been present in the cell next door  
4 to Morales on November 24 and 25, 1982; that is, the days after  
5 my suicide attempt and the time the alleged confession was  
6 provided by Morales to Samuelson. Because of the close  
7 proximity between Morales' cell and my cell, I always was  
8 exposed to and could hear the conversations between Samuelson  
9 and Morales. Despite the fact that I regularly heard Samuelson  
10 question Morales regarding the facts surrounding his case, I  
11 never heard Mike Morales tell Bruce Samuelson anything which  
12 implicated him in assaulting, battering, murdering, and/or  
13 sexually assaulting the victim in his case. Moreover, Morales  
14 never made an admission of involvement in or guilt with respect  
15 to these offenses, either on November 24, 1982, November 25,  
16 1982, or at any other time. It would have been extremely  
17 difficult, if not impossible, for such a confession to have  
18 taken place without either me, or the other inmates in our cell  
19 block area, hearing the confession.

20  
21 I declare under penalty of perjury that the foregoing  
22 is true and correct. Executed in the County of Sacramento, on  
23 October 9<sup>th</sup>, 1992.

24   
25 JAMES KEVIN MAHONEY  
26  
27  
28

MAHONEY2.DEC/CK



Cell Block #

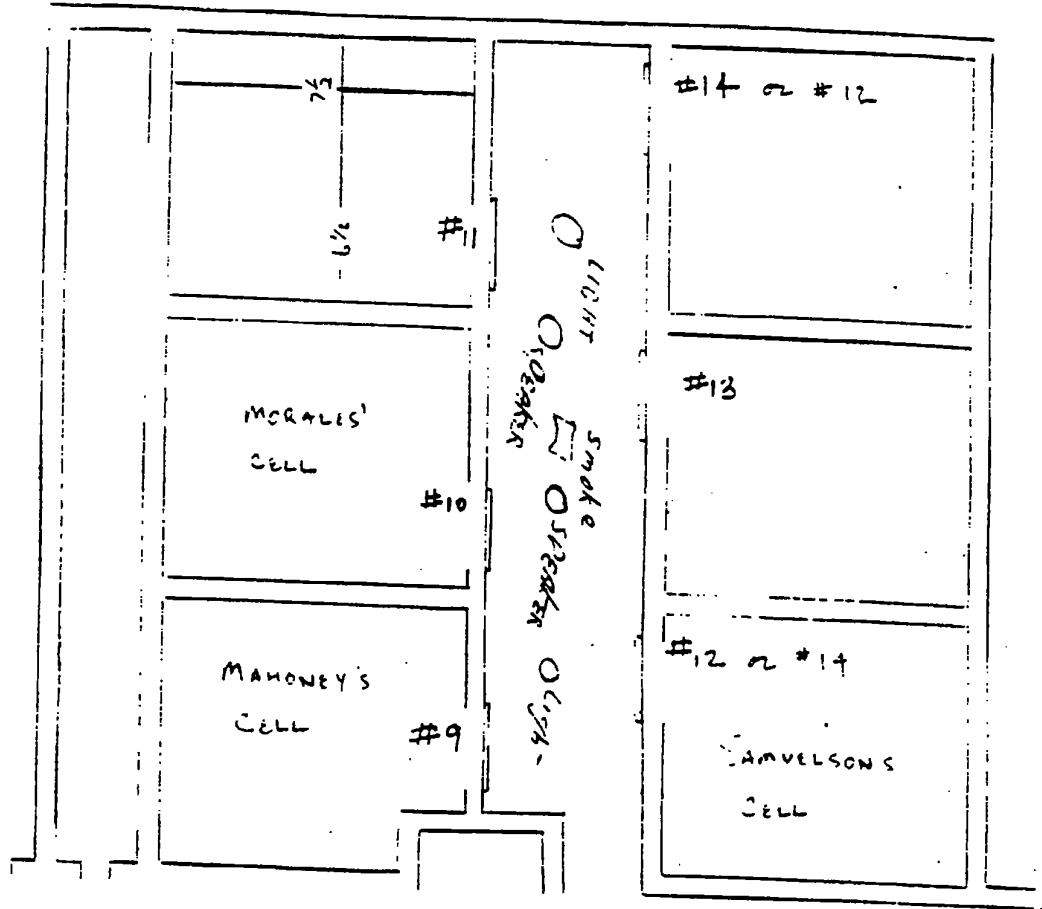


EXHIBIT A  
EXHIBIT J



EXHIBIT B  
EXHIBIT J \* 196

SAN JOAQUIN

500 W. HOSPITAL

EMERGENCY TREATMENT RECORD 012-0477 (7-81)

DATE 11/23/82

OCCUPATION

INCARCERATED

BROUGHT VIA

☐ CAR ☐ AMBULANCE ☐ POLICE

ENTERED

☐ WALK ☐ W.C. ☐ GUERNEY ☐ CARRY

CONDITION

☐ SATIS ☐ FAIR ☐ POOR ☐ CRIT.

BROUGHT BY

A/CITY

RACE

COMPLAINT

☐ ILLNESS

☐ INJURY

TIME SEEN BY MD

BANDS

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USE

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PROJECTIVE DATA

DISCHARGE IMPRESSION

READING

X-RAY

READING

SITON

Discharged

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Time

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MAHONEY JR, JAMES K

SJ CO JAIL

FRENCH CAMP

10/14/59

☒ consent signed

33-56-09

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CA 95207

CA 95231

M S D

DATE LAST TETANUS

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CURRENT MEDICATIONS

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11/14/82 99 80 16 23

HT. WT.

☐ SEE NURSE'S PROGRESS NOTES

COMMUNICATION LOG

TIME

☐ CONSULTANT

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☐ SPD

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☐ RELATIVE

☐ OTHER

LACERATION: ☐ SIMPLE ☐ COMPLEX

WOUND LENGTH

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ANESTHESIA

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DRESSING

☐ TET. TOX. 0.5 ML

☐ HYPERTET

WOUND CHECK

SUTURE REMOVAL

NO WORK

RE-CHECK

DAY

TIME: INIT

ORDERS/NOTES/INSTRUCTIONS

EXHIBIT C

CONDITION ON DISCHARGE

☒ IMPROVED ☐ EXPIRED

☐ UNCHANGED

PHYSICIAN'S SIGNATURE

NURSE'S SIGNATURE

EXHIBIT D

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